

Please note: These transcripts are not individually reviewed and approved for accuracy.

TRANSCRIPT OF PROCEEDINGS

December 13, 2000

9:30 A.M.

CIWMB Board Room
8800 Cal Center Drive
Sacramento, California

REPORTED BY:
Terri L. Emery,
CSR No. 11598

1 SACRAMENTO, CALIFORNIA, DECEMBER 13, 2000 - 9:30 A.M.

2 * * * * *

3 CHAIR MOULTON-PATTERSON: I'd like to call the
4 meeting back to order. This is the second day of our
5 meeting, and when we left off last night we had to skip a
6 little bit. So we're going back to 9 and then we go to
7 12; is that correct? Number 9. Thank you.

8 I guess we do take roll.

9 BOARD SECRETARY: Eaton.

10 Jones.

11 BOARD MEMBER JONES: Here.

12 BOARD SECRETARY: Medina.

13 BOARD MEMBER MEDINA: Here.

14 BOARD SECRETARY: Paparian.

15 BOARD MEMBER PAPARIAN: Here.

16 BOARD SECRETARY: Roberti.

Please note: These transcripts are not individually reviewed and approved for accuracy.

17 Moulton-Patterson.
18 CHAIR MOULTON-PATTERSON: Here.
19 We have a quorum.
20 Ex partes, Mr. Jones?
21 BOARD MEMBER JONES: No.
22 CHAIR MOULTON-PATTERSON: Mr. Medina.
23 BOARD MEMBER MEDINA: None.
24 CHAIR MOULTON-PATTERSON: Mr. Paparian.
25 BOARD MEMBER PAPARIAN: A brief conversation

6

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 with John Cupps and a letter from Sean Edgar representing
2 California Refuse Removal Council dated December 11th
3 regarding Item 9.

4 CHAIR MOULTON-PATTERSON: Thank you. I have
5 none other than saying hello to Terry Laveille.

6 So Number 9, Ms. Nauman.

7 MS. NAUMAN: Good morning, Madam Chair and Board
8 Members. Julie Nauman, Permitting and Enforcement
9 Division.

10 Item Number 9 is consideration of approval to
11 formally notice proposed regulations for a nonhazardous,
12 nonputrescible industrial solid waste disposal at a
13 permitted Class I hazardous waste disposal facility. You
14 will recall that in May of this year the Board adopted
15 emergency regulations to address this issue and directed
16 staff to begin the process of developing regulations that
17 would then move through the formal permit and regulation
18 process.

19 That's what we're here to do today, to review
20 the text of the regulations that we're proposing to begin
21 the formal process. Virginia Rosales will be presenting
22 the item.

23 MS. ROSALES: Good morning, Madam Chair and
24 Board Members. Virginia Rosales with the Permitting and
25 Inspection Branch.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 First of all, it should be noted that there was
2 a revised agenda item, which I believe you all have a
3 copy of, and there are copies on the back table.
4 Apparently the item was jumbled while it was transferred
5 into our web site, so the item has been corrected and we
6 have removed the duplicated text that was in the item and
7 identified number 2 issue on page 3, which was
8 inadvertently lost during the transfer. That second
9 issue deals with the use of captive insurance as a
10 financial assurance mechanism.

11 As Julie just said, in May the Board adopted the
12 emergency regulations and directed staff to submit them
13 to the Office of Administrative Law early out, and those
14 emergency regulations were approved on July 31st, 2000
15 and became effective October 1, 2000.

16 As directed by the Board in January 2000 when
17 the Board considered placing these nonhazardous wastes
18 into the regulatory tier, the intent of the emergency
19 regulations and of the proposed permit regulations is not
20 to overlap or duplicate the Department of Toxic Substance
21 Control, or DTSC, or the Regional Water Quality Control
22 Board requirements.

23 There were three issues that arose at the time
24 the Board considered the emergency regulations. The
25 first issue was whether the definition of nonhazardous,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 nonputrescible industrial solid waste should be brought
2 in to encompass a wider range of solid wastes that may be
3 disposed of at such facilities. The nonhazardous,
4 nonputrescible industrial solid waste definition has been
5 modified to include the derivation and content criteria.
6 These two subdivisions provide that nonhazardous,
7 nonputrescible industrial solid wastes, in addition to
8 other characteristics, must constitute or be derived from
9 either industrial waste or hazardous waste sites and must
10 contain one or more hazardous constituents, although
11 below the DTSC threshold to be deemed hazardous waste.

12 This change stemmed from comments that were
13 received during emergency regulation development and at
14 the time of the board meeting and after the board
15 meeting. The mission of these two subdivisions
16 broadened the range of nonputrescible waste and wastes
17 that do not contain free liquid that may be accepted at
18 such facilities.

19 However, the Class I disposal facilities are
20 already rigorously regulated by DTSC and the Regional
21 Water Quality Control Board. This change is based upon
22 DTSC and the State Water Resources Control Board
23 regulations which preclude the acceptance of waste that
24 would interact with other wastes or with the containment
25 system.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 The second issue was whether the Board should
2 prohibit the use of captive insurance as a financial
3 insurance mechanism at such facilities. The Board's
4 Financial Assurance Section is currently working on a
5 regulation package that proposes to amend the standards
6 for acceptance of insurance as a financial assurance
7 demonstration and will clarify the financial assurance
8 requirements for all disposal sites including such
9 facilities.

10 The third issue was whether the Board should
11 impose a limit on the amount of nonhazardous,
12 nonputrescible industrial solid waste that may be
13 disposed of at such facilities. There were discussions
14 with DTSC and the State Water Resources Control Board,
15 the LEAs and the industry representatives. Staff are
16 unable to determine a public health or safety or
17 environmental basis to support such a cap.

18 Finally, we've added language to the proposed
19 regulations to clarify that any other nonhazardous solid
20 waste disposed of at such facilities that do not meet the
21 definition of nonhazardous, nonputrescible industrial
22 solid waste will require a full Solid Waste Facility
23 Permit.

24 In conclusion, the Board may decide to direct
25 staff to begin the 45-day public comment period without

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 revision to the proposed regulations or direct staff to
2 modify the proposed regulations and notice the proposed
3 regulations for the 45-day public review and comment
4 period, or direct staff to modify the proposed
5 regulations, begin another informal comment period and
6 return the Board to notice the proposed regulations.

7 Staff recommends option one, which is to direct
8 staff to begin the 45-day public review and comment
9 period without revisions to the proposed regulations.

10 If there are any questions.

11 CHAIR MOULTON-PATTERSON: Okay. Thank you. Are
12 there any questions before we go to our speakers? Okay.
13 Thank you very much for your report. We have two
14 speakers.

15 Sean Edgar.

16 MR. EDGAR: Madam Chair and Board Members, good
17 morning. Sean Edgar on behalf of California Refuse
18 Removal Council, here today to discuss -- advocate for
19 option number three of the options in front of you today,
20 which would be to direct staff to modify proposed
21 regulations, begin another informal comment period, and
22 return to the Board to notice the proposed regulations.

23 Our advocacy for option number three is based on
24 a little bit of history, and staff did a good job in
25 providing a summary of how we got here on this issue

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 pertaining to Class I facilities and the history during
2 1999 and the early part of this year to develop cogent
3 regulations as to how these facilities may be able to
4 accept certain types of waste.

5 The direction from the January 27th board
6 meeting was fairly clear that staff would work with
7 interested parties to develop an appropriate
8 classification of wastes for disposal at hazardous us
9 waste landfills -- hazardous waste disposal facilities
10 under a registration permit. The first we saw of this
11 item was actually Monday. We were able to see this and
12 this -- our position to move this item for more
13 discussion is based upon a couple of concerns which are
14 highlighted in the December 11th letter which we provided
15 to the Board Members.

16 Specifically we would ask that staff address
17 a -- provide a clearer understanding of the waste type
18 specificity for nonhazardous, nonputrescible industrial
19 solid waste. Why is that? Well, the material as defined
20 now sounds a lot like commingled C&D material to me. We
21 believe that there's a right to recycle commingled C&D
22 material. We believe that there's valuable commodities
23 in there, that in the year of achievement we should --
24 under AB 39 we should be able to do everything we can to
25 enhance recycling of that material as opposed to having a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 very broad definition of that going to Class I disposal
2 facilities, which leads to our second request for
3 disposal reporting by waste types.

4 As we noticed with the entire or disposal of
5 Class II waste or designated waste issue, the package as
6 proposed, the proposed regulations at this time,
7 discussed a lump sum reporting annually without any
8 breakdown of what this very broad definition is. This is
9 precisely the lack of clear numbers by which we can
10 actually gauge what is going into these facilities and we
11 feel that is an important tool. In the back of our
12 letter we provide a breakdown of the facility operators
13 can and are able to do it now based upon some attachments
14 that we provided in the letter.

15 Third, we would request that -- Board Member
16 Jones had brought up a good point and staff had addressed
17 very briefly at what stage does a Class I facility no
18 longer become a Class I facility and how much cap or how
19 much waste can go in there, how much fits into a
20 registration tier. These are questions we don't believe
21 have been adequately answered and we're here to advocate
22 for a -- similar to the transfer processing reg to
23 advocate for a full Solid Waste Facility Permit for
24 disposal of greater than a hundred tons per day into
25 these Class I facilities.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 We believe this needs some additional work and
2 we believe we are not there yet and that's why we're
3 asking for option three today.

4 The other quick item I will mention is the fee
5 equity issue. We do not believe that materials -- this
6 material disposed at Class I facilities should be
7 exempted from the \$1.34 a ton, and we don't believe that
8 we have adequate information at this time to move forward
9 on this policy.

10 Thank you.

11 CHAIR MOULTON-PATTERSON: Thank you, Mr. Edgar.

12 BOARD MEMBER PAPARIAN: You said you didn't
13 receive this until Monday?

14 MR. EDGAR: Correct. We were able to dig into
15 it on Monday, Board Member Paparian.

16 BOARD MEMBER PAPARIAN: Were you aware of the
17 general content of it before Monday or you didn't really
18 know which direction this was going to go in?

19 MR. EDGAR: Well, we had -- no. We had no --
20 staff had -- apparently there was information from
21 January that said staff was going to work with interested
22 parties and we consider ourself an interested party and
23 had no contact from staff with regard to the development
24 of this. We are aware that the emergency regulations
25 that were developed in the May time period, we had

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 analyzed those. At this time, this particular item as an
2 interested party, we were not consulted and did not see
3 the item prior to the early part of this week.

4 BOARD MEMBER PAPARIAN: Let me just follow up
5 with the staff on one thing. If we were to go in the
6 direction -- let me back up a second.

7 Under the emergency regulations we're collecting
8 \$1.34 right now; right? Okay. If we were to adopt the
9 type of delay that he is suggesting, would that impact
10 our ability to collect the \$1.34.

11 MS. NAUMAN: I need to ask Elliott where we are
12 on the emergency reg time line with Office of
13 Administrative Law. Usually there's a time frame during
14 which you're allowed to operate under the emergency
15 regulations and then you have to seek extensions from
16 them to continue to operate as emergency regulations
17 while you're moving forward with the permanent regs.

18 MR. BLOCK: I was walking out, so could you
19 repeat the question again?

20 MS. NAUMAN: The question is how much longer can
21 we operate under the emergency regulations.

22 MR. BLOCK: So what I've heard was January 29th
23 is the -- normally they last for 120 days. So January
24 29th would be that date. Typically as long as we're
25 showing progress we can usually get at least one

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 extension for those, which would be another 120 days.

2 MS. NAUMAN: So we would formally request from
3 the Office of Administrative Law an extension on the
4 emergency regulations to keep them operative.

5 BOARD MEMBER PAPARIAN: And we would probably
6 need to do that anyway, even if we went with the staff
7 recommendation on this. Okay. Thanks.

8 CHAIR MOULTON-PATTERSON: Thank you. I would
9 just like to interrupt for one moment. Would the record
10 please show that Board Member Eaton is here.

11 Mr. Eaton, do you have any ex partes?

12 BOARD MEMBER EATON: No. Thank you, Madam
13 Chair. I have none to report.

14 CHAIR MOULTON-PATTERSON: We're on Item Number 9
15 and our second speaker is David Wayne Gilly.

16 MR. EDGAR: Madam Chair, Mr. Gilly was here
17 yesterday for testimony pertaining to soil recycling
18 operations and he's not currently available.

19 CHAIR MOULTON-PATTERSON: Okay. Thank you very
20 much.

21 MS. NAUMAN: Madam Chair, before the next
22 speaker comes up, can I have a moment to respond to some
23 of the concerns that were raised.

24 CHAIR MOULTON-PATTERSON: Sure. That was the
25 last speaker on this item. I might mention, I perhaps

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 mentioned at the beginning of this meeting, if you would
2 like to speak on an item, there are speaker slips in the
3 back and please take them to Ms. Villa with the item
4 number on them.

5 MS. NAUMAN: With respect to the concern about
6 not seeing the packaged regulations until Monday, I think
7 we explained earlier that the original direction came
8 from the Board in January but then we had an extensive
9 discussion in May about the emergency regulations. I
10 have the transcript here. It was about a two-hour of the
11 discussion of the issues related to the three --

12 CHAIR MOULTON-PATTERSON: We're having a few
13 technical difficulties, so we'll just wait.

14 MS. NAUMAN: Okay. So as I was saying, in May
15 we had the discussion and the Board's direction to us was
16 to begin the formal rulemaking process, and within that
17 formal rulemaking process to provide opportunities for
18 full discussion of the three issues that we've been
19 talking about this morning, the cap, the definition and
20 the use of captive insurance.

21 So staff feels that we have followed the Board's
22 direction in moving from the emergency regulation status
23 to development of a package that would then go through
24 the formal process, and during that minimum 45-day review
25 period additional discussions would be held not only with

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the stakeholders, but again pursuant to your direction,
2 with DTSC.

3 So the package that you have before you was
4 posted on our web page as the agenda item, and the
5 request is now to begin the process where you formally
6 involve all the stakeholders.

7 CHAIR MOULTON-PATTERSON: Mr. Eaton.

8 BOARD MEMBER EATON: Just refresh my
9 recollection. Is it quarterly or annual reporting for
10 the amount of MSW? It's yearly; isn't it?

11 MS. ROSALES: It is annual.

12 BOARD MEMBER EATON: Right.

13 MR. DE BIE: The requirement for disposal
14 reporting, which is separate from the solid waste
15 facility regulations, I believe is quarterly. These regs
16 will layer an additional reporting requirement on the
17 facilities to report total tonnages on an annual basis.
18 So these regulations require additional reporting, and
19 the reason why we included that was to keep track of
20 where these facilities are in they total tonnage of
21 nonhazardous solid waste.

22 Also, there's a record keeping requirement to
23 keep monthly totals of nonhazardous solid waste coming
24 into the facility that will be checked by the LEA during
25 their inspections.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: One of the reasons or one
2 of the problems we had with the original, I should say,
3 generator of this issue was the fact that some hard time
4 in deciphering the reporting requirements, how much
5 actually went in, didn't go in, and there was a
6 suggestion at that time that rather than doing an annual
7 kind of reporting was that quarterly on the tonnage may
8 be better, if I'm not mistaken. That's still an open
9 question; right?

10 MS. NAUMAN: Certainly all of these are open
11 questions. The draft is there to generate discussion and
12 hopefully better ideas, but if I can refer you to the
13 language in the item it's Section 17370.2(c) and (d) in
14 your attachment where (c) reads, "The operator shall
15 maintain records of the tonnage of nonhazardous,
16 nonputrescible industrial solid waste that is co-disposed
17 in each waste management unit at the facility on a daily
18 basis. The operator shall also maintain records of the
19 tonnage of hazardous waste co-disposed in each waste
20 management unit of the facility on a monthly basis.
21 These records shall be provided to the EA or the Board
22 upon request, and then by March of each year the operator
23 shall annually report to the EA and the Board the total
24 amount of industrial solid waste and hazardous waste
25 co-disposed the previous year."

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 That doesn't go to the speaker's request that it
2 be by waste type, but we don't have that detail at solid
3 waste facilities right now.

4 CHAIR MOULTON-PATTERSON: Mr. Jones.

5 BOARD MEMBER JONES: But there is no quarterly,
6 it's just they keep an audit; right?

7 MS. NAUMAN: The current draft does not call for
8 quarterly.

9 BOARD MEMBER JONES: The -- at the briefing I
10 had asked for a copy of the transcript because it is
11 bothersome to me that we got to this point because the
12 original law or the original agreement allowed nominal
13 amounts of MSW to be mixed in with hazardous material and
14 the term "nominal" in those discussions started to get
15 defined in a very large universe. And when I hear that
16 stakeholders were invited to discuss the issues or
17 whatever, I don't know if those stakeholders only
18 included the three operators of the facilities or if they
19 included those people that will be impacted.

20 Because remember, this is a concession. This is
21 a method to allow those facilities to legally accept that
22 material. And I think there's a couple of issues that
23 everybody worried about, I know that I worried about, and
24 that would be they didn't want to pay the \$1.34 a ton on
25 material coming in.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Under these regs is it possible that all of that
2 material that comes in that could be of earthen-type get
3 used for some standard as cover and then they get
4 diversion credit for it, where that's not the intent.
5 And I don't see anything here other than the description
6 or the definition of cover. That's why I wanted the
7 transcript because that was a very, very important point
8 because while we're trying to live with keeping --
9 allowing that facility to accept some of those materials
10 that had always been part of the wastestream, it was
11 clear that that amount was going to grow.

12 MS. NAUMAN: Mr. Jones, I think you and I are in
13 absolute agreement on that. I did pull the transcript.
14 I apologize if we were supposed to get this to you, but I
15 have reviewed it and I'll read you two pertinent
16 sections, one you asked -- Chairman Eaton at the time
17 said, "Do you have any closing remarks?" I said, "Staff
18 recommendation is to defer the discussion of these three
19 policy issues to the formal rulemaking process and
20 provide a transition period for the emergency reg
21 permit," and then you made the motion, Mr. Jones, saying,
22 "I would like to move adoption of Resolution 2000-206 to
23 include a whereas that CIWMB will start the formal
24 rulemaking process for the permanent regs and will
25 include discussions on the appropriate use of captive

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 insurance, to include DTSC in these discussions, tonnage
2 limits, and definitions of what is acceptable."

3 And so we met with the stakeholders during the
4 development of the emergency regulations. And then
5 pursuant to this direction, staff just did some more
6 internal staff work, now is putting this draft out and
7 suggesting that we now start the formal 45-day review and
8 comment period where we can address these three issues,
9 as well as any other issues that any of the stakeholders,
10 Board Members or staff wish to address. So it's wide
11 open at this point.

12 BOARD MEMBER JONES: I don't know that anything
13 is ever wide open at this point.

14 MS. NAUMAN: Well, everything is open for
15 discussion, and the process is intended to provide that
16 opportunity for formal public comment.

17 BOARD MEMBER JONES: And it would come back in
18 45 days.

19 MS. NAUMAN: We would have a 45-day review
20 period.

21 BOARD MEMBER JONES: Come back in two months.

22 MS. NAUMAN: And we can always have
23 additional --

24 BOARD MEMBER JONES: And then there would be a
25 15-day comment period after that 45 days.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. NAUMAN: We would prepare response to the
2 comments that we receive during that 45-day comment
3 period. And then if there were additional comments, we
4 would allow additional time. And as you know with some
5 of our regulation packages, we've had probably two or
6 three additional 15-day comment periods on top of the
7 original 45-day.

8 BOARD MEMBER JONES: I guess my main concern is
9 when I see the comments come in from these packages --
10 and it was clear the discussion that we had that day
11 because we were trying to work something out, and I think
12 there's only one of the facilities that uses captive
13 insurance. The discussion basically was why would we
14 want to force DTSC to change its rules and regulations
15 based on our -- ours and we didn't -- I didn't -- I
16 didn't feel that that was appropriate because they have
17 more risk at that facility than us and that's why that
18 discussion went on.

19 The definition of how we're going to deal with
20 this material as ADC hasn't taken place and we need to
21 have that discussion. What I'm afraid of is that if we
22 start this rulemaking package today or start this time
23 clock, the way we normally see these issues come back is
24 an issue is raised by a stakeholder and it's either
25 accepted or rejected.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 So you know, I've seen pages of things that were
2 rejected based on -- the way we get it, it's like the key
3 sentence or the issue, and what I'm really afraid of here
4 is that that's going to be lost on me. I'm not going to
5 know what those issues were and I think that, in this
6 case especially, we are trying to accommodate an awful
7 lot of different entities here, trying to put this into a
8 registration tier on an existing DTSC facility so that
9 we're not jumping ahead of them, but there are conditions
10 that have to be met. And while stakeholder groups
11 obviously include the proponents, they also include those
12 that are going to be affected and I don't want to see one
13 or two words and not know the discussion and then it was
14 arbitrarily missed because that's what this Board needs
15 to do. And I'm afraid of that, especially on this.

16 MS. NAUMAN: Well, Mr. Jones and Board Members,
17 we can go either way. We can take additional time and
18 continue to work with all interested parties before we
19 formally notice this. Or we can proceed if you wish with
20 the formal process, and when those comments are received,
21 we always bring those back to the Board and have a public
22 hearing where you see all of the those comments. And if
23 in the past we've been too cryptic, then I accept that
24 criticism and we will try to give you -- we'll give you
25 the actual letters, and that board meeting where we have

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the public hearing provides the opportunity for full
2 review and discussion about any of the comments.

3 So when we come forward with that document, it's
4 really just staff's analysis of the comments. We
5 certainly are not in a position to accept or reject.
6 We're making a recommendation to the Board.

7 CHAIR MOULTON-PATTERSON: Thank you, Ms. Nauman.
8 Did you want to propose an option? Any other comments?

9 BOARD MEMBER JONES: I would like to because of
10 the -- in the 45-day -- if we sent this out to a 45-day
11 comment period, could we also have a workshop within that
12 45 days?

13 MS. NAUMAN: Certainly. There's nothing to
14 preclude us from doing it. Let me check with my expert
15 here.

16 MR. DE BIE: Just to indicate how we connected
17 with the stakeholders that we've been working with
18 already is we've just had basically a work group of the
19 interested parties which so far have involved the
20 facility operators, the LEAs involved, Toxics and the
21 Water Board. We could invite additional stakeholders to
22 those meetings or we could have an open workshop and
23 invite anyone.

24 CHAIR MOULTON-PATTERSON: Mr. Paparian.

25 BOARD MEMBER PAPARIAN: When you said the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 facility operators, it's the three? It's Safety-Kleen,
2 Waste Management --

3 MR. DE BIE: There are only three Class I
4 disposal sites in California.

5 BOARD MEMBER PAPARIAN: I agree with Board
6 Member Jones that there are broader interests here, the
7 other operators that have some interest in hazardous
8 waste disposal.

9 BOARD MEMBER JONES: I think if you look at the
10 record, you'll see that there was absolutely a very
11 different point of view from affected stakeholders, as
12 well as those three operators, on what -- on what the
13 definition should be, what's allowable. The universe
14 cannot be wide open on something like this. So I think
15 what I would prefer to do, rather than set out the full
16 rulemaking, is to hold this back, option three, and have
17 a discussion where if we notice it, we allow all of the
18 affected stakeholders, the C&D operators and others.

19 And I'm not for a minute saying I don't want
20 this to go forward. I do want this to go forward.
21 That's why I made the motion originally because it's the
22 way to deal with that portion of the wastestream, but I
23 just want to make sure that the discussions that we had
24 that led to that point include all the stakeholders and
25 not just those three parties. And then DTSC can be here

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and the others to make sure we're all on the same page.

2 We have to address this ADC issue. I don't know
3 how DTSC looks at that material, but the second they term
4 it as ADC, there are no fees. It goes as cover. I don't
5 know what the management practices are. So I want to see
6 those kinds of discussions because that could direct an
7 entire wastestream here away from a reuse wastestream,
8 and I'm not prepared to see that happen right now.

9 MS. NAUMAN: Could I ask for clarification? Is
10 your intent this be a workshop with the Board as opposed
11 to as a staff --

12 BOARD MEMBER JONES: I'll ask the other Board
13 Members what they -- I have no problem with you folks
14 having that work group, just so long as the universe is
15 included.

16 BOARD MEMBER PAPARIAN: If it's a noticed
17 workshop, there's no problem with any of us attending.

18 BOARD MEMBER JONES: That's right.

19 CHAIR MOULTON-PATTERSON: It sounds good. So
20 you're going to make a motion for option three?

21 BOARD MEMBER JONES: I want to make a motion for
22 option three and direct that there be a workshop or
23 however you want to term it.

24 MS. NAUMAN: And then work out --

25 BOARD MEMBER JONES: And I really want to -- I

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 do tomorrow or the next day if I could get a copy of this
2 so that we can -- because there's some really, really
3 critical issues that I'm just afraid may get lost.

4 MS. NAUMAN: Just for the record, I just did
5 check with staff. I did want to indicate that the
6 working group or the meetings we had was not exclusive to
7 the operators. I remember Evan an being at one of those
8 meetings and we did receive some comments from them.

9 BOARD MEMBER JONES: Believe me. It's not just
10 CRRRC.

11 MS. NAUMAN: -- the others.

12 BOARD MEMBER JONES: It's all those other C&D
13 operators up and down the valley, that this could really
14 affect. And I do think we need to get to the definition
15 of the ADC implication here and find out from Toxics how
16 they view that material.

17 MS. NAUMAN: We'll do that.

18 CHAIR MOULTON-PATTERSON: We have a motion by
19 Mr. Jones. I'll second the motion for option three. And
20 that was Resolution 2000 -- no resolution, just go with
21 option three.

22 Please call the roll.

23 BOARD SECRETARY: Eaton.

24 BOARD MEMBER EATON: Aye.

25 BOARD SECRETARY: Jones.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: Aye.

2 BOARD SECRETARY: Medina.

3 BOARD MEMBER MEDINA: Aye.

4 BOARD SECRETARY: Paparian.

5 BOARD MEMBER PAPARIAN: Aye.

6 BOARD SECRETARY: Roberti.

7 Moulton-Patterson.

8 CHAIR MOULTON-PATTERSON: Aye. Motion passes.

9 Thank you very much.

10 And I misspoke already. I said we were going to
11 Number 12. We did Number 12 late last night, so we'll go
12 to Special Waste with Mr. Leary, and we'll be starting
13 with 14, Number 14.

14 Let the record reflect that Senator Roberti is
15 present and --

16 BOARD MEMBER ROBERTI: And I have no ex partes.

17 CHAIR MOULTON-PATTERSON: No ex partes. Okay.

18 Thank you.

19 And we're going to Special Waste, Item 14.

20 MR. LEARY: Thank you, Madam Chair, Members of
21 the Board. Mark Leary representing the Special Waste
22 Division.

23 Agenda Item 14 is consideration of approval of
24 allocation and reallocation of the unencumbered fiscal
25 year 2000/2001 waste tire management program funds.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Martha Gildart of the Waste Tire Branch will be making
2 the presentation, and Director Ed Lowry from the
3 Department of Toxic Substance Control is also available
4 and will be making comments on this item.

5 CHAIR MOULTON-PATTERSON: Thank you, Mr. Leary.
6 Ms. Gildart.

7 MS. GILDART: Good morning, Chair and Members.

8 Item 14 deals with the reallocation of funds
9 remaining from last November's board meeting and the
10 allocation of funds that will be available in spring of
11 2001 as a result of the passage of SB 876 and the
12 increase in the fee.

13 To give you a little bit of background for the
14 past several years the Board's expenditure authority at
15 the state budget to spend at the \$5.2 million level,
16 last year because the old 25 cent per tire fees sunsetted
17 December 31st, we estimated that we had about six months
18 of revenue to spread over a whole year's operation as we
19 were not sure in November of '99 when the Board acted
20 whether SB 876 would be passed. At that time it was
21 estimated there would be about \$3.1 million available for
22 the Board's decisions.

23 With passage of SB 876 and the fee increasing to
24 \$1.00, there will be funds available in the spring that
25 can be used under our old expenditure authority of \$5.2

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 million. That means, if you subtract the \$3.1 from the
2 \$5.2, we have about \$2.1 million additional funds today
3 to allocate for new or expanded uses.

4 If you'll turn to page 14-4 on table 1, the
5 first column shows what was allocated in November of
6 1999, the second column shows the encumbered amounts, and
7 the third column is the balance. If you'll note, the
8 waste tire stabilization and abatement line item there at
9 \$628,000 was directed by the Board to be spent on a
10 remediation contract, but we have yet to encumber it into
11 an actual vehicle. The tire pile environmental
12 assessment contract, which was allocated \$350,000, came
13 in at the low bid of \$98,000. So there was \$251,000
14 remaining to be reallocated. Those two amounts, though,
15 had been included in the Board's report to the

16 legislature under AB 117 as being committed to some form
17 of cleanup or tire fire analysis. The Board may wish to
18 keep that in mind as it reallocates those funds.

19 The last item we show it this newly available
20 funding for our existing expenditure authority. That
21 means that we have about \$2.9 million to allocate to
22 various uses today.

23 Table 2 shows some of the estimates the Admin
24 Division has put together on ongoing operating expenses
25 and some new expenses. If you'll notice, the BOE

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 contract, the Board of Equalization contract for the
2 collection of the tire fee, shows an increased need of
3 \$218,000. That's because under SB 876 they have
4 additional sources to contact, more entities who are
5 creating the fee. There was also an entry on the new
6 building costs and some mandatory services and operating
7 expenses. If the Board has questions on those expenses
8 at the end of my presentation, there are staff from the
9 Admin Division who could answer those.

10 Table 3 shows suggestions by the staff on how
11 the Board might use some of these funds. Staff has not
12 made a specific recommendation and we are seeking
13 direction and decision making from the Board today.

14 I'll walk down through some of these options.
15 The first two, the annual recycled products trade show
16 and the CalMAX and WRAP awards, were items the Board
17 considered this September at its contract concept item,
18 and we felt if the Board wished to carry through with
19 that -- oops. I went back to the wrong table. Sorry.
20 If the Board wished to carry through with that option,
21 \$71,000 should be allocated from this fund. The.

22 CHAIR MOULTON-PATTERSON: Excuse me,
23 Ms. Gildart. I have a question right there. I'm sorry
24 to interrupt, but what was the rationale for the WRAP
25 awards being included here?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. GILDART: I believe it was a request by the
2 Waste Prevention and Market Development Division in
3 seeking funding for these items to split them equally
4 between the Integrated Waste Management Account oil fund
5 and tire fund. This merely reflects the amount in the
6 September agenda item.

7 CHAIR MOULTON-PATTERSON: I just couldn't
8 recall. Thanks.

9 MS. GILDART: The third item is a proposal staff
10 would like to see the Board consider about holding
11 another one of our tire recycling conferences. Several
12 of the members today are rather new. We have held three
13 of these conferences so far. One was in Los Angeles, one
14 in Sacramento, and one near San Jose. They were all very
15 well attended.

16 It's a chance for us to work with the tire
17 industry, people affected by the new rules and
18 regulations that will be coming under SB 876, and we
19 thought if we could get funding approved this year, it
20 would mean that we could hold such a conference by early
21 spring of 2002.

22 The next two options are a little bit
23 complicated here. We have activities ongoing at the
24 Westley tire fire site that could be augmented or
25 extended in more than one way.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 The first listing here is to merely continue
2 what we're calling the vital services, and that's to
3 maintain electrical power to the site so that we have
4 communications and fire fighting ability and to continue
5 with some of the winterization efforts that are underway
6 right now by our existing contractor, Norcal. The
7 problem with that is the Norcal contract expires in March
8 of 2001 and has already been extended by the Board.

9 Under a clause in the legislation dealing with
10 tires, there is the possibility the Board could invoke to
11 extend that contract once again, but it is something I
12 know our Legal Office is not comfortable with and we can
13 have a longer discussion of the pros and cons at the end
14 of my presentation.

15 The next item is monies that would be made
16 available for the removal of debris pile number three.
17 The way the site is set up right now is there are several
18 piles of partially burned tire and ash and soil
19 commingled. We've removed most of debris pile number
20 two, but the third one is close to where we need to
21 conduct our winterization efforts and would like to have
22 that one worked on this winter.

23 The item in the middle here, the largest item,
24 the \$1.2 million, is a proposal to transfer funds to the
25 Department of Toxic Substances Control and the Regional

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Water Quality Control Board for services they have
2 already rendered at the Westley tire fire site. The
3 Department of Toxics had spent \$315,000 for site
4 investigation work plan and \$617,000 for removal of
5 sediments from some of the retention ponds so they would
6 be able to operate during the winter. An additional
7 \$165,000 was estimated for the staff oversight costs.

8 The Regional Water Quality Control Board
9 estimated its efforts in sampling and analysis of surface
10 and groundwaters at about \$161,000, bringing it to the
11 \$1.2 million here in the table.

12 The last item in the table shows an augmentation
13 of an existing contract that we have to assist the civil
14 engineering applications of shredded tires. As you know,
15 we're entering into a project with Caltrans to
16 demonstrate the use of shredded tires as lightweight fill
17 underneath a highway on-ramp in the Bay Area, and we
18 could augment the contract we had to make that tire shred
19 available to Caltrans.

20 Now, obviously there are other possible uses too
21 that staff thought the Board might have considered, and
22 we are very open to taking any kind of direction or
23 suggestions.

24 Any questions?

25 CHAIR MOULTON-PATTERSON: Any questions from

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Board Members?

2 BOARD MEMBER EATON: Are there any public
3 speakers?

4 CHAIR MOULTON-PATTERSON: Yes, we have two.

5 BOARD MEMBER EATON: I'd rather hear the public
6 speakers and then have the discussion.

7 CHAIR MOULTON-PATTERSON: Did Mr. Lowry want to
8 come forward at this time?

9 MR. LOWRY: We're going to have a little
10 presentation at the end of my discussion if the Board
11 will allow it. Good morning and thank you for inviting
12 me here. My name is Ed Lowry. I'm the Director of the
13 Department of Toxic Substances Control which, as you
14 know, is the state agency with primary responsibility for
15 the management of hazardous waste and the remediation of
16 hazardous substances release sites.

17 We have been working with the Integrated Waste
18 Management Board, the Office of the Secretary of Cal/EPA,
19 the Central Valley Regional Water Quality Control Board,
20 and the Air Resources Board to address environmental
21 issues at the Westley tire fire site. And I'm here today
22 to request the Board allocate available tire fund money
23 to reimburse DTSC for a portion of its costs which have
24 been incurred at that site. I recently sent the Chair a
25 letter in that regard and I believe Mr. Leary has extra

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 copies if you don't yet have it.

2 We've been involved at this site since the fire
3 in September of 1999. We used our contractors to
4 investigate the release of hazardous substances at the
5 site. We found contamination in the debris piles, in the
6 storm water ponds and in groundwater, and as a result of
7 our investigations we're currently undertaking the
8 removal of contaminated sediments and soils so that there
9 will not be an unacceptable release during the wet
10 weather season. If I look outside, it seems to be now
11 upon us.

12 We've allocated \$1,400,000 for contract costs to
13 the Westley site and have expended over \$930,000 of that
14 to date. And as mentioned earlier, we have about
15 \$165,000 in staff costs to date. Now, we have allocated
16 about \$8 million a year, primarily from the general fund,
17 to work on Superfund sites and orphan sites. Orphan
18 sites are hazardous substance release sites that have no
19 responsible parties and/or no responsible parties willing
20 to pay for the cleanup.

21 We are required to first fund the federal
22 Superfund sites and only remaining funds that may be used
23 on state sites. There are hundreds of these sites
24 throughout the state and we're trying to address these
25 problems with limited funds and we, in fact, expended

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 some of those are sources at Westley because of the
2 urgency for remedial action.

3 And that's why I'm here today. If we're
4 reimbursed from the tire fund, we can continue to
5 investigate hazardous substances releases at this site,
6 define and implement final remedial actions, and to get
7 back on our priorities for orphan sites, which are also
8 our responsibility.

9 As you know, with the legislation which was
10 discussed earlier, there were some discussions about a
11 separate appropriation to our Department to do precisely
12 that, and cooler, wiser, and more cooperative heads got
13 together and thought it would work best to go through the
14 Integrated Waste Management Board. That's why I'm here
15 today.

16 I'd like Eric Walberg, our project manager from
17 the site, to provide a brief presentation. My directions
18 to him were five minutes and he said I've narrowed it
19 down to seven minutes. I looked at the slides and I
20 think it would be well worth going through with your
21 indulgence.

22 CHAIR MOULTON-PATTERSON: Thank you.

23 MR. WALBERG: Members of the Board, my name is
24 Eric Walberg. I'm with the Department of Toxic
25 Substances Control and I'm the project manager for DTSC.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 In September 1999, DTSC and other state and
2 federal agencies were notified of the tire fire at
3 Westley, California. You can see here the tire fire in
4 all its glory. Our emergency response unit personnel
5 provided staff and funding for dealing with the pyelitic
6 oil that was generated from the tires burning at the
7 site. Here you can see the pyelitic oil flowing into
8 Pond 1 at the site.

9 Our emergency response personnel sampled and had
10 the pyelitic oil analyzed and then made a hazardous waste
11 determination that allowed for the appropriate selection
12 of a disposal facility. After the fire was extinguished,
13 several million gallons of pyelitic oil containing fire
14 fighting water remained in the ponds at the site. DTSC
15 sampled and had the fire fighting water analyzed. Again,
16 the Department of Toxics made a nonhazardous waste
17 determination in this instance and allowed for the
18 selection of an appropriate disposal facility.

19 Concurrently, DTSC were involved with the
20 Regional Water Quality Control Board and the California
21 Integrated Waste Management Board in the development and
22 the review of investigative work plans that were proposed
23 by the responsible parties. After most of the
24 responsible parties had ceased cooperating with the state
25 agencies, DTSC funds were used to develop an initial

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 investigation work plan to determine the need for
2 immediate removal of contaminants at the site. Here a
3 surface soil sample is being collected to determine the
4 potential for wind dispersion of ash material from the
5 burning tires.

6 A long reach excavator was used in the main tire
7 burn area to determine the depth of the main tire burn
8 area and to determine the potential of contamination from
9 pyelitic oil to the soil below the main tire burn area.
10 The tires are 35 feet below the type you see in the
11 foreground and there is pyelitic oil-contaminated soil
12 below the tires.

13 Soil and water samples were taken from within
14 the main tire burn area. This was so that we could
15 determine the extent of contamination and to classify the
16 waste. Fire fighting practices and historical use of the
17 site indicated the presence of buried tires and fire
18 fighting debris. Two geophysical techniques were
19 utilized to determine the vertical and lateral extent of
20 contamination -- of buried materials. Excuse me. Here
21 you can see a sting resistivity line that was used to
22 determine the depth of the buried debris.

23 Following the geophysical investigation, several
24 areas were excavated to verify the data from the
25 geophysical survey. In general, buried materials were

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 discovered where they were indicated by the geophysical
2 instruments. Groundwater contamination was a major
3 concern of all the agencies given that pyelitic oil and
4 the pyelitic oil-contaminated fire fighting water
5 remained in the ponds for extended periods of time.

6 A background well and two wells immediately
7 downgradient of the areas most impacted by the tire fire
8 were drilled. The following is a short clip of the
9 installation of a background well.

10 (Video presentation)

11 MR. WALBERG: The wells were constructed and
12 sampled. Here you can see one of the wells that was
13 installed immediately down canyon from the main tire burn
14 area. Low levels of petroleum-type contaminants were
15 discovered in the groundwater.

16 Given the groundwater contamination and the
17 results the rest of the initial investigation that was
18 conducted by DTSC, DTSC, the Regional Water Quality
19 Control Board and the California Integrated Waste
20 Management Board staff determined that there was a need
21 for an immediate removal of the pyelitic oil-contaminated
22 soils and sediments within the ponds.

23 While DTSC was implementing its initial
24 investigation that I just described, it was also involved
25 in litigation and settlement negotiations of several

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 responsible parties. One of the settlements required the
2 responsible party to remove the pyelitic oil-contaminated
3 soils and sediments within the ponds. DTSC staff
4 reviewed the work plan and conducted oversight of that
5 removal action.

6 Here you can see pyelitic oil-contaminated soils
7 immediately after the start of the removal action. Note
8 the dark ring around the pond and the staining on the
9 stand pipe. The oil-contaminated soils were loaded onto
10 a truck and sent to a Class II disposal facility after
11 the nonhazardous waste determination made by DTSC.

12 The removal continued until native,
13 uncontaminated materials were reached. Note that the oil
14 ring is now gone and the stand pipe is much more exposed.

15 The responsible party expended all the funds
16 agreed to in the settlement on the removal in Pond 1.
17 DTSC funds were then obligated to complete the removal
18 action in Ponds 3 and 4. As you can see, the material in
19 Ponds 3 and 4 is very similar to that that was discovered
20 in Pond 1. Again, the removal continued until native
21 uncontaminated soil was reached.

22 The California Integrated Waste Management Board
23 staff provided much appreciated assistance with the DTSC
24 removal in Ponds 3 and 4. Here you can see Albert
25 Johnson of the California Integrated Waste Management

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Board overseeing the placement of fill material to
2 provide a platform for the stormwater diversion pipe that
3 you can see to his right. The platform has been
4 completed and DTSC is currently completing the removal in
5 Pond 3. It should be completed by the end of next week.

6 Following the removal, DTSC will implement a
7 follow-along work plan to its initial investigation work
8 plan. At the request of the California Integrated Waste
9 Management Board staff, DTSC will sample and make
10 hazardous waste determinations on all of the burned tire
11 piles at the site.

12 DTSC will install an additional groundwater
13 monitoring well to track the movement of contaminants
14 within the groundwater and conduct quarterly groundwater
15 monitoring. DTSC will also sample two recently
16 discovered incinerator facility ash disposal areas. And
17 finally, DTSC will evaluate removal or treatment and
18 disposal options for stormwater that's generated at the
19 site.

20 For the future, DTSC intends to continue to
21 cooperate fully with the Regional Water Quality Control
22 Board and the California Integrated Waste Management
23 Board in the complete investigation and remediation of
24 the Westley tire fire site.

25 CHAIR MOULTON-PATTERSON: Thank you,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Mr. Walberg. Questions? Were you going to continue?

2 MR. LOWRY: The only other thing I was going to
3 say was that I think this was an early test, I suppose,
4 of Secretary Hickox's vision of agencies and departments
5 working together to solve a very complex problem, which
6 we will continue to do and we're happy to.

7 CHAIR MOULTON-PATTERSON: Thank you. Questions?

8 Mr. Jones.

9 BOARD MEMBER JONES: For Mr. Lowry. Actually,
10 he -- we had some negotiations that we entered into while
11 we were developing this language for SB 876, and while I
12 understand the dollar amounts, I just want to say that
13 we're in a very unique position here because the
14 legislature -- well, the Governor didn't give us the
15 people that we needed with SB 876. We can't go in front
16 of the legislature without the people to put the
17 five-year plan together.

18 Without the five-year plan, our requirement to
19 spend a minimum of \$6.5 million a year in tire cleanups,
20 which a portion of that obviously is going to go to DTSC,
21 is in jeopardy. So I think that knowing that we've got
22 to get a five-year plan together may have to -- I'm going
23 to suggest some things when we get into discussions about
24 maybe getting a contractor to help us through that
25 process -- may mean that this can't be fully funded but

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 that a portion or something gets funded because just any
2 vision is going to say if you don't have your plan
3 together and approved by March, you're not going to have
4 expenditure authority in the next year. Does that make
5 sense? Do you know what I mean?

6 So we've got to kind of balance how we get there
7 and our hands are kind of tied and I don't think it puts
8 your whole thing in jeopardy, I just think that as we're
9 going through this process -- because I appreciate -- I
10 appreciate the fact that you came out of a meeting to
11 take my phone call to try to negotiate that one point
12 before we walked into the legislature and finalized it
13 the morning of the hearing. I appreciate the fact that
14 that happened and I have every intention -- I know the
15 Board does. We've just got to work out a few of the
16 pieces and try to get a plan in front of the Governor's
17 office and then the legislature or we're not going to
18 have expenditure for any of it.

19 MR. LOWRY: I appreciate those comments. And as
20 you know, to come out of a meeting and we need to reach
21 an agreement in five minutes types of negotiations are
22 always the most fun. Sometimes they give us the best
23 results. But I've had some discussions with staff about
24 some of the unique problems that we've got in terms of
25 this money and staff.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Thank you. Any other
2 questions at this time?

3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Quick question. You
5 mentioned the recently discovered ash from the
6 incineration facility. Can you elaborate a little bit?
7 Is it on their site? Where is it? What's happening with
8 that?

9 MR. LOWRY: There is an area actually right
10 where the trailer is that the Integrated Waste Management
11 board staff and DTSC conduct their field operations, that
12 when we were doing some winterization work we exposed ash
13 that had been apparently disposed in this particular
14 area. And there was a historical disposal area behind
15 the plant of incinerator facility ash, which we intend to
16 investigate.

17 BOARD MEMBER PAPARIAN: Thanks.

18 CHAIR MOULTON-PATTERSON: Mr. Eaton.

19 BOARD MEMBER EATON: I have a couple of
20 questions and then I want to reserve some time.
21 Mr. Lowry, nice to see you again, as always. You know
22 we've been down this path a few times. It's always been
23 my position that you are entitled to some monies, just
24 how it gets there.

25 Question. What is your total agency budget?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. LOWRY: Last I saw, and it changes daily,
2 but it's about \$138, \$145 million.

3 BOARD MEMBER EATON: And how much did you get
4 for brown fields last year --

5 MR. LOWRY: We get --

6 BOARD MEMBER EATON: It's based on the Escutia
7 and some of the other bills that were floating around.

8 MR. LOWRY: I don't think there was any money
9 from the Escutia bill. That was SB 324 --

10 BOARD MEMBER EATON: Well, the money that was
11 going to be out there.

12 MR. LOWRY: The Governor has a loan program for
13 brown fields of \$85 million dollars. That's money which
14 we have some authority to use for administration not to
15 exceed \$10 million.

16 BOARD MEMBER EATON: We know how that goes with
17 the caps on administration.

18 MR. LOWRY: Right.

19 BOARD MEMBER EATON: But that's in addition to
20 the \$145?

21 MR. LOWRY: No.

22 BOARD MEMBER EATON: So the \$85 --

23 MR. LOWRY: I can get you the numbers precisely,
24 but the \$85 million --

25 BOARD MEMBER EATON: Is a separate program.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. LOWRY: Is a separate program and \$75 of
2 that is supposed to go out the door for loans.

3 One of the problems, Mr. Eaton, that we have
4 being reliant so much on special funds is an uneven
5 funding mechanism which makes it very difficult to plan
6 or spend money at a regular rate, and that's why we're
7 here now as opposed to at the end of the fiscal year.

8 BOARD MEMBER EATON: And I share that concern
9 with you. I know. It's like the same problems that we
10 had with schools is how do you get a job done when the
11 budget fluctuates. I've always maintained, although I
12 think I'm not going to speak for you, you feel the same
13 way that somehow, some way that that case has to be made
14 to the legislative body and do the kinds of things that
15 are going to be necessary to prove that.

16 I think you have done a remarkable job in trying
17 to restore some of the integrity and faith in the
18 Department to move these programs along. As you well
19 know, I think you know in some of your discussions, it's
20 a real uphill battle, but I'm going to, Madam Chair, talk
21 about a couple of things, and it's not directed at the
22 Department or anyone in particular.

23 You know, we started out -- we have a lawsuit.
24 And in fact -- as a matter of fact, we have a settlement
25 agreement that all of us in closed session signed off on

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 with the procedure in which the two Departments who are
2 before us today also signed. There's a funding mechanism
3 within that particular document for funding these types
4 of expenses, and if not, there are agreements within the
5 stipulated judgment or stipulated final judgment and
6 permanent injunction to seek reimbursement from other
7 places. So I ask, first and foremost, that we not grant
8 these monies today because there is an alternative.
9 That's the stipulated final judgment and permanent
10 injunction lawsuit.

11 Second and foremost, even if you don't agree or
12 there is some discussion or distinction with regard to
13 this agreement -- if you remember, we all sat in closed
14 session and figured out what the system would be for
15 reimbursement in proving up the claims. And I don't want
16 to divulge any of those communications other than I have
17 a document that's public and signed by the respective
18 entities.

19 If there were a shortfall, if there was a
20 shortfall and there were valid claims, these two
21 Departments could have went under a Section 27 deficiency
22 letter to the legislature and gotten additional funding
23 this past fall. My understanding is they did not.
24 That's a second missed opportunity.

25 If that isn't enough, one and two, then today

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 perhaps the saddest part that I have to talk about today
2 is what we as a Board are about to embark upon. Members,
3 we are allocating money in this item before we have even
4 discussed the Bill or our roles and responsibilities or
5 duties under that Bill. What message does that send to
6 the public?

7 Mr. Paparian, I agree with your idea that we
8 ought to go out for stakeholder meetings. Do you think
9 your stakeholder meetings would have any credibility at
10 all if we allocated money today and then you went out and
11 said we want to know how you want us to spend the money?

12 I think we have created a very bad procedural
13 public policy decision making process. It is no one's to
14 blame, but it may be inadvertent, it may be a number of
15 things. The fact of the matter is it's here and the
16 toothpaste is out of the tube. How arrogant can we be to
17 allocate money before we've even discussed the Bill?

18 More importantly, we aren't, Ms. Gildart,
19 allowed to spend this money. This Bill takes effect
20 January 1st. Please tell me how we can allocate money
21 prior to the Bill becoming effective under the law or how
22 anyone can bring that forward. You can talk about it.
23 It's the same issue we had yesterday with Ms. Tobias.

24 MS. FISH: Maybe I can address that.

25 BOARD MEMBER EATON: No, let me finish and then

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 if you want to speak and respond. We have the authority,
2 there's no question about it, but the terms and
3 conditions weren't set when you got the authority. You
4 got the authority in June. The terms and conditions were
5 set when the Bill was passed and signed by the Governor
6 in the end of August.

7 And more importantly, how does it look to the
8 public and to our Governor? Because this was a scheme we
9 all know where it came from and we know the political
10 pressures that are upon a couple of our Members upon this
11 Board, that the first thing out of the box we allocate
12 the money before we even discuss the Bill.

13 The second half of the money doesn't go for any
14 of the purposes by which we're supposed to come up with
15 the five-year plan and we do it for reimbursement to one
16 of our brother agencies or sister agencies. And more
17 importantly, within the Bill no monies can go to any of
18 these agencies, negotiated. Mr. Lowry, we were all
19 there, all of us here. I'll read you from the Bill.

20 "To pay for the costs of cleanup, abatement,
21 removal or other remedial action related to tire
22 stockpiles throughout the state including all approved
23 costs," and I'm -- just missed my -- "Including all
24 approved costs incurred by other public agencies," which
25 is what I think you're talking about; is it not?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 "Involved in these activities by contract with the
2 Board."

3 There is no contract with the Board; is there,
4 Ms. Fish?

5 MS. FISH: Not at this point.

6 BOARD MEMBER EATON: Correct. So we cannot
7 appropriate or allocate the money and the Bill is not
8 effective and we don't have the money. So how can we
9 give them money and allocate today when the Bill says we
10 have a contract?

11 MR. LOWRY: May I --

12 BOARD MEMBER EATON: That's point one.

13 MR. LOWRY: All right.

14 BOARD MEMBER EATON: Let me finish. That's
15 point one.

16 MR. LOWRY: You asked me a question. I was
17 going to answer, but go ahead.

18 BOARD MEMBER EATON: So we give half the money
19 for reimbursement. We put no money aside for reserve or
20 a rainy day. We all know that the two fires that took
21 place were by act of God or act of nature or completely
22 there. We are bare. So if there is a fire and we have
23 no money in our accounts, we have to go to the
24 legislature and tell them we need money because we gave
25 the money to Toxics or the Water Board when we had one,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 either an opportunity either under the stipulated
2 judgment to provide monies or for them to have gone under
3 Section 27 and gotten the money.

4 Furthermore, there's the farm and ranch project
5 amnesty days. Mr. Jones, your manifest. When we all sat
6 and negotiated the Bill, and there's not a Member up here
7 that wasn't involved in those negotiations, one of the
8 reasons the key component why the funding didn't start
9 for the complete five-year funding was until June or July
10 was because we were asked the question, "If you were to
11 get the money quickly, could you gear up and do the
12 things necessary to start the manifest system, to get all
13 of the legal departments together in order to get
14 property access, et cetera," and all of us quite honestly
15 answered, "No, we need some time." That was a six-month
16 gap.

17 Now our own Department of Finance tells us we
18 can't spend the money because we don't have a five-year
19 plan but yet we're allocating that money. It's beyond me
20 how we were able to get the money because of our own
21 integrity, our own veracity and our own credibility, and
22 the fact that the people in the legislature and the
23 Governor's office -- and Mr. Lowry, you're absolutely
24 right. They did not allow you to have a direct
25 appropriation, although there were other agencies or

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 other programs and agencies that did get a direct
2 appropriation. That's not a reflection upon you, but
3 that was a legislative determination with concurrence by
4 the Governor. Your toxic allocation was rejected.

5 More importantly as we enter this --

6 MR. LOWRY: I think it's fair to say it was
7 rejected at the request of the Integrated Waste
8 Management Board. You came to us and said please bear
9 with us and put the money in this account. We agreed to
10 do that.

11 BOARD MEMBER EATON: And by contract, isn't it
12 under the Bill, you have to have with us --

13 MR. LOWRY: You may have independent authority
14 to spend from that fund.

15 BOARD MEMBER EATON: Not according to the Bill.
16 You don't believe the statute controls?

17 MR. LOWRY: I haven't seen the legal analysis.

18 BOARD MEMBER EATON: You don't have to have a
19 legal analysis. We were there. Further off, we're about
20 to go in and we've got the new car dealers already coming
21 back to seek an amendment on the Bill. How are they
22 going to look at it when we start spending the money?
23 The reason why we didn't get an increase greater than we
24 had hoped for than a dollar was because of the past sins
25 of the predecessor Boards who, I think, unfairly were

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 judged to have misallocated the money and therefore
2 didn't give us the market development opportunities.

3 But here again today we are at that very
4 juncture, that very juncture where we can go down one
5 road and continue to have that integrity, credibility and
6 trust and faith by those who appropriate this money, or
7 we can just kind of continue what we did. It's not that
8 I don't want to give you the money, Mr. Lowry. It's that
9 you've got to go through the right proper hoops, moreover
10 the rainy day.

11 I do not know in reading this Bill about the
12 priorities that must be set. How can we allocate this
13 money if we haven't set the priorities according to the
14 Bill or even had a discussion? Call it putting the cart
15 before the horse or counting your chickens before they're
16 hatched. I think Justice Stevens today said it the best.
17 If we go down that path we won't know who the winner is,
18 but we will know who the losers are, and that will be
19 those individuals who have to pay that fee. And how
20 would you go ahead and explain to the consumers? How
21 would you explain to the Governor?

22 Now, maybe our agency Secretary and his Deputy
23 Secretary and whatever believe that it's valid, but that
24 we went ahead before the Bill even became law, before we
25 even discussed the Bill and we allocated the money, I

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 don't think that's proper. I don't think that's the way
2 this Board will be.

3 And I'm prepared to make a substitute motion,
4 and, Mr. Lowry, I will help you get the money. I have
5 told you that all along, but it's got to be in accordance
6 with what our legislative obligations are, our statutory
7 obligations happen to be, and that you will get it. But
8 I have not seen one piece of paper that has proved your
9 claim, and maybe that's why you're not going to the
10 courts. I don't want to even speculate, but we should
11 have a claim coming before us so we can see what was
12 spent. We need to have the contract that is specified in
13 the language.

14 And Board Members, we really need to discuss
15 what our roles and duties and responsibilities are under
16 SB 87. My God, step back and see our own Department of
17 Finance won't let us spend the appropriate money and
18 today we're allocating before the Bill becomes the law
19 and that even more so we have ignored the statutory
20 dictate which tells us we have to have a contract with an
21 agency before we can talk about what they are entitled
22 to.

23 CHAIR MOULTON-PATTERSON: Are you finished for
24 now, Mr. Eaton?

25 BOARD MEMBER EATON: Absolutely. For now.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Ms. Fish. Senator
2 Roberti wants to speak, but I would like to give Ms. Fish
3 a chance to respond or Mr. Leary, whoever you prefer.

4 MS. FISH: I gave staff the direction to bring
5 forward the remaining authority, and that was because of
6 a conversation I had with the Department of Finance.
7 When we did the -- were putting together the Governor's
8 budget a year ago, they left us with the authority
9 knowing that we didn't have the cash to fund it, and that
10 was -- that was a direct conversation. And the reason
11 that they did that was because I expressed to them the
12 importance of having the authority to maintain the
13 staffing level and to keep the efforts ongoing at Westley
14 because we were spending money at Westley. And I asked
15 them do you want us to pull back and stop and put in a
16 BCP to reduce our position authority because we do not
17 have the cash to fund it or will you leave us with the
18 authority so that if SB 876 is passed -- at that time it
19 wasn't a Bill or we had lost it -- but if there is a Bill
20 that comes forward to give us additional funding, that
21 way we can continue the tire program intact.

22 So when the Bill was passed -- and what I cannot
23 address, I know that the chapter gives us the authority
24 to spend at the \$5 million level. What I cannot address
25 and what I would have to ask for legal opinion is whether

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 SB 876 then supersedes the authority granted to us in the
2 Budget Act by its language. I can't give you that answer
3 right now.

4 But it was agreed to with the Department of
5 Finance that they would leave us with that authority with
6 the understanding that we would come forward once the
7 Bill was signed to continue funding the staff and
8 continue funding the efforts at Westley.

9 BOARD MEMBER EATON: And the issue that I have
10 is not that the staff shouldn't go forward. I remember
11 those discussions, and I think that's a defensible
12 position, that in order to keep the program going --
13 because that was the whole idea in order to be able to
14 arrange for the gap and to gear up was so that we would
15 have the staff. But what I'm saying is that the \$1.2
16 million or half of what we have in the authority would be
17 going to a sister agency where there's other
18 alternatives.

19 So what we are saying are not inconsistent. I'm
20 saying that they are consistent with what the legislature
21 intended, and more importantly it's defensible because
22 quite frankly, while we may have political differences,
23 we may have personal differences, I don't like the fact
24 that this Board looks to be the pocket to fund everyone
25 when we've worked so hard.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Now, Ms. Moulton-Patterson is going to have to
2 go down and explain to the legislature why she allocated
3 money ahead of discussing the Bill, why the authority.
4 I'm not going to let that happen. I may get outvoted,
5 and everyone knows I have differences sometimes with our
6 Chair on certain issues, but I feel that this is a
7 critical juncture in our Board.

8 And it started yesterday where we had some
9 disagreements on some policy issues to go, that there are
10 times when we must stick together and look at what we're
11 doing. And if you step back on the common sense, the
12 kinds of things you're looking to protect the staff are
13 there. I think that that's defensible to get geared up
14 and to show, but if you look at the scheme and you look
15 at the document -- you don't need a legal opinion. We
16 need to have a discussion as to what the Bill says and
17 what our duties and responsibilities are. That's my
18 point.

19 After we do that, after we try and come up with
20 it, after Mr. Paparian goes out and seeks what the
21 stakeholders want to have happen, then we have some
22 credibility and viability. And then when
23 Ms. Moulton-Patterson goes to our budget subcommittee, we
24 can go and say we've gone through the -- not only that,
25 we say we are geared up to do X, Y and Z.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 But we have no reserves, do we not, under the
2 proposal if there should be a fire. We have no reserves
3 for enforcement. The whole idea why we got the money was
4 for enforcement. We have done nothing in this
5 allocation -- WRAP programs?

6 We're going to be subject to the same criticisms
7 we had before. Think about what they asked us. Think
8 about how they ran us through the mill. We want
9 enforcement. We want cleanup. There's none of that in
10 this proposal.

11 CHAIR MOULTON-PATTERSON: Senator Roberti, it's
12 your turn.

13 BOARD MEMBER ROBERTI: Just very briefly. I
14 think the Tire Bill that we passed did contemplate that
15 we work with our sister agencies, and I understand
16 Mr. Eaton's point very well that the Tire Bill isn't
17 effective at the moment and that we did not put our
18 budget together contemplating this was going to take
19 place.

20 Myself, I would prefer that we assist our sister
21 agency in the spirit of the Tire Bill but recognize that
22 that was not put together nor this request made when we
23 were making our original budget. Hence, I think we
24 should split the difference, maintain something for our
25 own prudent reserve, which I think has to be our number

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 one concern, and then assist the other agency that did
2 significantly help us in what was, to my understanding,
3 the worst tire disaster, if not the worst waste-related
4 disaster, ever in cleanup.

5 So myself, with the help of staff, I would
6 recommend that we roughly keep \$600,000 for our own
7 purposes here and then give the remainder -- after we
8 deduct that from the request, to give the remainder to
9 Toxics. There was no way that we could anticipate
10 putting our budget together that this request would be
11 made or what the costs involved would be, so we have to
12 sort of operate based on the past.

13 However, that Bill hasn't taken effect.
14 Mr. Eaton is correct in that, and to the extent that we
15 can, we should talk to our stakeholders, but I do think
16 this disaster is of such unprecedented consequences that
17 everyone will understand where we want to participate and
18 ask others to participate with us in the cleanup and have
19 some comity with another agency that we will help when
20 they help us.

21 BOARD MEMBER EATON: Senator, how can you answer
22 these questions that these monies are going to come from
23 that pot of money under the new Bill -- these are not
24 existing monies -- and that the statutory dictate of that
25 pot of money where that money comes from says that in

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 order for our sister agencies -- I don't have a problem
2 with that -- can have their costs reimbursed but they
3 must have a contract with this Board.

4 You can't reach over, grab the money and not
5 follow the dictate from that pot. As you argued
6 yesterday with the Auditor General and about the
7 statutory what he or she thought was legal or not legal,
8 we have direct statutory. It's unequivocal here. It's
9 not inconsistent.

10 BOARD MEMBER ROBERTI: Well, surely --

11 BOARD MEMBER EATON: Answer me that question.

12 BOARD MEMBER ROBERTI: If we need a contemporary
13 contract, yes, that's what we will have to do. That's
14 what we have to do, but I don't think it's impossible to
15 make a contract after the first of the year.

16 BOARD MEMBER EATON: And I didn't say that. All
17 I said was and my motion was that I don't think three
18 months by which Ms. Moulton-Patterson has to go to the
19 subcommittee, we have those hearings in March, that
20 that's going to hurt Mr. Lowry. Mr. Lowry, would that
21 hurt you at that time to wait 90 days while we settle out
22 some of our statutory obligations? Are you going to
23 close up shop?

24 MR. LOWRY: We will not close up shop, nor will
25 you if you're able to allocate the money now. My

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 suggestion --

2 BOARD MEMBER EATON: But will you be there to
3 tell people that we have a statutory obligation and that
4 you convinced us that we should avoid that statutory
5 obligation?

6 MR. LOWRY: I'm not going to answer your
7 rhetorical question. What might --

8 BOARD MEMBER EATON: The record will reflect
9 that.

10 CHAIR MOULTON-PATTERSON: Let's let him have a
11 chance to answer the question.

12 MR. LOWRY: -- is to put together an interim
13 contract which allows us to get money on the 2nd of
14 January. I think my legal staff and your legal staff can
15 do that.

16 CHAIR MOULTON-PATTERSON: Thank you, Mr. Lowry.
17 And we do have another speaker, but Mr. Medina has a
18 point he would like to make or a question.

19 BOARD MEMBER MEDINA: I just had a question with
20 regard to whether there are any existing monies under any
21 existing bill that could be used for this purpose.

22 MR. LEARY: Under any existing bill? No. This
23 is our account. This is the reserve, this is money we
24 have to allocate or make expenditure from for the
25 remainder of the year, but I would --

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER MEDINA: There's no other source
2 that we could use to give Toxics some money until such
3 time we get into the beginning of next year?

4 MR. LEARY: I don't believe so. I don't believe
5 any fund is flush, nor would it be consistent with the
6 purpose of any of the fund that the Board currently
7 manages to fund for the reimbursement. This -- to the
8 extent any fund is consistent with these purposes, it
9 would be the tire fund.

10 Let me just -- in the interest of talking about
11 the reserve question, just in helpful reminder to the
12 Board that there is still \$2 million in the Sukut
13 contract for the remainder of -- until the year 2002. I
14 don't know that you can consider that emergency reserve
15 or not but it is largely unspent at this point and would
16 be available for response to any kind of tire-related
17 situation.

18 CHAIR MOULTON-PATTERSON: Thank you. Thank you.
19 And you'll be here for a while in case we have more
20 questions.

21 Mr. Terry Leveille.

22 MR. LEVEILLE: Thank you, Madam Chair and Board
23 Members. Terry Leveille with TL and Associates.

24 Normally you see me as a publisher of the
25 California Tire Report, but I also do represent -- the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 primary stakeholder in this whole thing is the Tire
2 Dealers Association, both north and south. We -- I came
3 here to report on what the Executive Directors and their
4 Executive Board said to me when I conveyed this Item 14
5 to them in their specific items.

6 In a large part, we echo Board Member Eaton's
7 concerns here, particularly with regard to the \$1.2
8 million transfer of funds. We think this is a slippery
9 slope. We think the money that's coming from tire
10 dealers that's going into the fund is going into a tire
11 recycling management fund. All along our concern has
12 been to clean up tire piles, to manage the 10 million or
13 more tires that are going into landfills currently, to
14 try and figure out ways to recycle those, to develop
15 recycling programs for the 20 million or more other tires
16 that are currently being recycled and to encourage those
17 kinds of companies.

18 Our feeling is and has been that other agencies,
19 no matter how noble and no matter how good a job they do,
20 they should be going to the Governor for their budgets.
21 They shouldn't be tapping into a tire fund that is
22 devoted to developing a new manifest system, to
23 developing an enforcement program at the local level, to
24 developing a finally complete tire pile remediation
25 program and to pushing markets.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 We feel very strongly that the Board should take
2 this into heart that as the primary stakeholder, as the
3 people that pay the fee and who actually levy it on the
4 customers, the customers are the ones who pay the fee,
5 that we're looking at a situation whereby we just don't
6 want to get into that position where we'll set a
7 precedent for this agency, Toxics, the Regional Water
8 Quality Boards and the other.

9 We do have a couple of other minor concerns on
10 this particular item if the Board decides to go ahead and
11 start appropriating money. We didn't feel as well that
12 the CalMAX and WRAP program, which virtually has no tire
13 recycling or tire involvement, that \$21,000 should be
14 coming out of the tire fund. That's certainly -- if the
15 oil fund or the Integrated Waste Management accounts,
16 those are fine, but the tire fund seems to be that
17 wealthy fund now that's going to be having \$30 million or
18 so that the Board can tap into.

19 We want to make sure. We're going to be
20 watching the Board to make sure that the funds that come
21 out of the tire funds go to those types of programs that
22 the legislature deemed appropriate.

23 BOARD MEMBER ROBERTI: Whether we agree or not
24 on Member Eaton's time frame, which is a legitimate point
25 when you're talking about those kinds of programs that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the legislature contemplated. I mean if Westley isn't
2 that kind of a program, what in the world is?

3 MR. LEVEILLE: The Westley -- the remediation of
4 tires at Westley, I'm not sure that they were looking at
5 the site assessment and that type of thing. The types of
6 things that are statutorily the purview of Department of
7 Toxics and the Regional Water Quality Control Board.

8 BOARD MEMBER ROBERTI: Give me an example of
9 what would be within the purview of the --

10 MR. LEVEILLE: There's the current Norcal
11 contracts, the current Sukut contracts for cleaning up
12 the tire piles themselves, for cleaning up the ashes, the
13 remediation of that site per se.

14 BOARD MEMBER ROBERTI: As opposed to --

15 MR. LEVEILLE: As opposed to testing to see the
16 extent of toxic contamination into the water supply, into
17 the ground and that kind of thing.

18 BOARD MEMBER ROBERTI: With all due respect, I
19 understand your point. I think.

20 CHAIR MOULTON-PATTERSON: Mr. Jones wanted to
21 comment on that.

22 BOARD MEMBER JONES: As one of the chief
23 negotiators of this Bill in front of the legislature,
24 that was absolutely discussed. And while at those same
25 meetings you brought your clients or your advocacy came

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 forward and said we don't think it should be included, it
2 was clearly part of what we negotiated at every meeting
3 and clearly part of the program.

4 Why else would we need \$1.00 a tire if it wasn't
5 to clean up Royster and Westley and all the other sites?
6 We have a difference of opinion, but this is not new
7 stuff, Terry. This was discussed at every meeting.

8 I was actually chastised by Senator Escutia when
9 I said that the manifest system couldn't be developed as
10 quickly as she would like to see it or as quickly as I
11 would like to see it, but there are a series of things
12 that require that we do a cost benefit analysis prior to
13 going forward with any of these things. We can't put a
14 manifest system together -- I don't know what the name of
15 it is. What's the name of the thing that --

16 MR. LEARY: The feasibility study report.

17 BOARD MEMBER JONES: Isn't there a term that's
18 got to go to the Governor --

19 MR. LEARY: FSR.

20 BOARD MEMBER JONES: I thought there was an
21 acronym and I hate missing acronyms. We've got an awful
22 lot of work to do before we even get approved for any of
23 this stuff. That's the part that --

24 MR. LEVEILLE: That's where these other agencies
25 come into play.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: Exactly. And --

2 MR. LEVEILLE: Right. And I don't have any
3 problem with that.

4 BOARD MEMBER JONES: But to not clean up or to
5 think that the legislature and the Governor's office
6 wasn't completely aware that part of this was going to
7 clean up the water, clean up the air, clean up the
8 ground, that's contradictory to everything that I said in
9 those meetings.

10 MR. LEVEILLE: I didn't say -- I think the
11 Board's role is to clean up. I think the Board's role,
12 whether through Norcal or Sukut, should be to clean up
13 that site. I'm looking at the testing and the site
14 assessments and that type of thing, the stuff that is the
15 purview of the Department of Toxic Substances Control.
16 And I question whether or not the tire fee, the tire
17 recycling management fund should be going to those types
18 of things that are statutorily given to those agencies.
19 That's all -- I don't have any problem.

20 I think the Board does ultimately bear
21 responsibility, even though I may have argued
22 contrary-wise during the legislative negotiations on SB
23 876, that the Board or the legislature in its wisdom has
24 decided that sure, the Board should be cleaning up the
25 Westley tire pile site and the Royster site. That for

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the most part is a fait accompli.

2 The question I'm looking at is the other types
3 of preliminary testing, the types of -- the toxic
4 Department of Toxic Substances Control does, and any
5 other types of contaminated ground landfills and the
6 like. And that's the only thing that I have a concern
7 about.

8 I think that Member Eaton is certainly on target
9 when he says that this may be preliminary. We may --
10 this may be too early to start doling out \$1.2 million
11 out of an as yet unreceived funding. But nevertheless, I
12 think that the more important thing is the major
13 discussion that you're going to have to take place on the
14 subject of revenue sharing between sister agencies. This
15 is something that just popped up in Item 14 and really
16 hasn't been the subject of -- I don't know of public
17 discussions of the Board and probably should, a special
18 fund that's funded with fees from the customers of tire
19 dealers and the purchasers of automobiles, should they
20 being paying for these types of things.

21 I don't think that decision has as yet been
22 definitively made yet, and I think that's certainly
23 subject for further discussion.

24 CHAIR MOULTON-PATTERSON: Thank you,
25 Mr. Leveille.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: Madam Chair.

2 CHAIR MOULTON-PATTERSON: Mr. Jones.

3 BOARD MEMBER JONES: I think that as part of the
4 AB 117 report and through the negotiations we clearly
5 looked at how we were going to work with sister agencies
6 to deal with a lot of these issues, and actually the
7 compromised position that DTSC took was partly because of
8 stakeholder input and it was because of us. We said we
9 are ultimately responsible for the tires in the state of
10 California and we want to make sure that we know where
11 this stuff is going.

12 I have to tell you I do have a question, and I
13 don't know who can answer it, because I think Mr. Eaton
14 has brought up some points that I hadn't completely
15 considered until hearing them, but we have an obligation
16 to spend \$6.5 million a year in remediation, and part of
17 that was going to be the dollars we spent with other
18 agencies. But I need to know when that year starts. Is
19 it January 2nd or 1st or --

20 MS. FISH: Next fiscal year.

21 BOARD MEMBER JONES: Next fiscal year. So if we
22 spent any of this money, it wouldn't even count towards
23 that \$6.5 million.

24 BOARD MEMBER EATON: That is correct because
25 that was in the statute as well, and that was to give us

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the six-month gear-up in order to be able to get your
2 manifest system going, to be able to get the enforcement
3 along with the personnel that you talked about with the
4 authority up and going, as well as to give our Legal
5 Department the ability to go out, identify sites and get
6 some legal access.

7 So that was a premeditated, shall we say,
8 delayed start-up date because what we didn't want to have
9 happen was to be able to get all of this money on January
10 1st to us and be in a position where we couldn't spend it
11 and be subject to criticism that we didn't set the right
12 priorities from it, and that's what's in there. And
13 that's clear in the Bill and that's why I'm so upset is
14 because we haven't even had a chance to discuss this Bill
15 in public and yet we're allocating the money. It doesn't
16 make sense to me.

17 It's not public policy decision making, Members.
18 It really isn't. We've done so many things in all of our
19 careers but none where we at least didn't give the
20 appearance that we had some public discussion as to what
21 our rights and responsibilities and duties were. Period.
22 We're just doing it.

23 I can't vote for something where we haven't had
24 that kind of ability.

25 CHAIR MOULTON-PATTERSON: Thank you. Any

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 response, Mr. Leary, to that?

2 MR. LEARY: I don't know that it helps, but in
3 the spirit of responding to some of the ideas that have
4 been presented, the thought of putting the allocation
5 item forward in advance of the contract was simply a
6 trying to adherence to the typical Board protocol where
7 the Board allocates the money and then goes off and
8 develops -- the staff go off and develop the scope of the
9 work and come back to the Board with a contract.

10 I guess it was in respect to that process that
11 we offer the allocation item first in advance of the
12 contract, although understanding that 876 requires a
13 contract be in place before the funds can be transferred.

14 BOARD MEMBER EATON: How can we -- Mark, how can
15 we even make a decision when we don't know what our rules
16 and responsibilities and rights are under the Bill?
17 Maybe all of us have read the Bill. If that's the case,
18 fine, but already it's been shown through public
19 testimony and our own questions that not all of us are
20 conversant in the provisions of the Bill. That's my
21 point.

22 Quite frankly, if you look at the statutory
23 scheme -- and you guys can try and slip a contract
24 through on January 2nd. I don't think it's going to be
25 proper or legal, and you may get away with it, you may

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 not, but the services that the Bill contemplated and
2 which the funds are going to be collected from the
3 consumers in this state are for services that would
4 include prospective, not reimbursed.

5 And the record is very clear through our own
6 staff workup, through Mr. Lowry's own letters, that this
7 is reimbursement for past services and that in and of
8 itself I think is a killer in terms of trying to validate
9 any contract you may bring up or you may enter into
10 because it's for services that happen in the future. And
11 that can't happen because it can't be -- otherwise, there
12 would be a grandfather clause in the Bill.

13 BOARD MEMBER ROBERTI: Madam Chair.

14 CHAIR MOULTON-PATTERSON: Senator Roberti.

15 BOARD MEMBER ROBERTI: I would like to ask both
16 Ms. Fish and Ms. Tobias two questions relevant to what
17 Mr. Eaton is saying.

18 First, just to absolutely reiterate in my mind,
19 if we write a contract to Ms. Fish on January the 1st or
20 2nd to transfer the money to Department of Toxics, is
21 that listed under current Department of Finance
22 regulations and statutes?

23 MS. FISH: Well, I wouldn't propose that we
24 would write a contract to transfer the money. I would
25 propose that we would work with the Department of Toxics

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 to define a scope of work that we would then bring back
2 to the Board to ask what would be approved -- to what
3 would be approved costs for activities conducted at the
4 Westley site. Because what we're talking about is --

5 BOARD MEMBER ROBERTI: Approved. I take it you
6 mean activities that were contemplated by the tire
7 legislation.

8 MS. FISH: No. I'm talking approved activities
9 at a site --

10 BOARD MEMBER ROBERTI: Did you say approved
11 or --

12 MS. FISH: Approved activities at a site where
13 you have a significant risk to the public health and
14 safety. You have a code that allows you to basically
15 hire a contractor through oral agreements, written
16 agreements, when your working at a site that the Board
17 deems has such a magnitude of risk to the public health
18 and safety that you're going to use all available monies
19 to remediate.

20 Now, it's under that statute that I believe the
21 Board could go forward with Toxics, providing assistance
22 under that section because they are, in fact, contracted
23 to the Board to do the site assessment, to give Board
24 staff the ability to continue with the remediation.

25 BOARD MEMBER ROBERTI: Okay. And what you're

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 also saying is that when I used the word "contract," it
2 was sort of jumping the gun. We have to do scope of work
3 and then contract.

4 MS. FISH: Right. What -- and the Board may
5 want to decide whether or not you are going to allow past
6 costs to be reimbursed or at this juncture because of the
7 limited funding only allow future costs. And that is
8 something that the Board could choose to decide at that
9 point.

10 BOARD MEMBER ROBERTI: Now, on that question, of
11 counsel, can we at that point -- at the time we vote the
12 contract and even prior to that time, at the time we
13 develop a scope of work, can we contemplate in the scope
14 of work and write in the contract reimbursement of
15 relevant activity that was taken in 1999 -- I guess it
16 was 1999, 2000. Excuse me. 2000 -- rather than after
17 the effective date of the legislation?

18 MS. TOBIAS: What I would like to do first is be
19 able to have the time to look at the Tire Bill and
20 compare it with our existing statutes. We have an
21 existing statute that contemplates the need for the Board
22 to take emergency action, and it calls out in that
23 section and specifically says with any other governmental
24 agency. What I would like to do is look at the Tire Bill
25 and be able to see if there's any either negation of that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 or how those two sections of the statute fit together.

2 BOARD MEMBER ROBERTI: Okay. So you're saying
3 that as you view it, the one avenue that we might have
4 to --

5 MS. TOBIAS: May have.

6 BOARD MEMBER ROBERTI: Yes, may have -- to deal
7 with -- I hate to use the word retroactive since I view
8 the whole thing as a continuing mess -- but to deal with
9 remediation that took place in the year 2000 is based on
10 emergency criteria. You're not saying that is -- that
11 gives us a green light. You're saying that's the only
12 place there may be a green light.

13 MS. TOBIAS: I'm saying that that's the statue
14 that I would go back to and look at it for the
15 consistency between this statute and what may have been
16 called out or negotiated in that bill.

17 BOARD MEMBER ROBERTI: Although I personally
18 have absolutely no problem giving a significant amount of
19 money to Toxics for the remediation of Westley, obviously
20 I want to do it within what we are statutorily able to
21 do. So another practical question, how long does it take
22 you to figure that out?

23 MS. TOBIAS: I don't think there's any problem
24 with coming back to the next meeting with this. So --

25 MS. FISH: What the Board may want to do is set

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 aside an allocation under the current expenditure
2 authority at whatever level you deem appropriate, and we
3 could analyze the fund condition of the cash in the fund
4 to separate the monies that we will get January 1st from
5 the monies that are already in the fund to determine if
6 you have any flexibility there, which I do not know at
7 this point in time.

8 BOARD MEMBER ROBERTI: Give me this again.

9 BOARD MEMBER EATON: I don't think you're going
10 to have any money on January 1st unless there are about
11 850 million tires sold.

12 MS. GILDART: There is --

13 BOARD MEMBER EATON: You have to collect the
14 money first.

15 MS. GILDART: There is \$879,000 that needs to be
16 reallocated. That's monies left over from the action the
17 Board took in November of '99, so those dollars are
18 immediately available for Board action. And then, as
19 Ms. Fish pointed out, there may be some carryover that
20 had not been accounted for in the action the Board took
21 in November '99.

22 BOARD MEMBER EATON: But that \$879,000 was for
23 the personnel.

24 MS. GILDART: \$879,000 was the monies that
25 included the \$628,000 the Board directed to be encumbered

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 into a remedial action and it has not yet been
2 encumbered.

3 BOARD MEMBER EATON: But can we use it for the
4 personnel that you're worried about? That's really the
5 key component for the apparatus to continue. That's my
6 main point is that we protect what we have to keep going.

7 BOARD MEMBER JONES: Required operating expenses.

8 BOARD MEMBER ROBERTI: I'm a little slow. If
9 she should just -- your last explanation of what you
10 think our proper avenue of operation should be, give it
11 to me one more time and I'll understand it.

12 MS. FISH: There could be cash reserves in the
13 fund that would -- that already have been --

14 BOARD MEMBER ROBERTI: Like the \$800,000-plus --

15 MS. FISH: That money has already been collected
16 and it's not a result of SB 876. What we would have to
17 analyze and I think what Mr. Eaton is pointing out is
18 whether or not there's enough to allocate to the
19 personnel as well as to this other area, but I would
20 submit that the personnel costs can be funded from the
21 cash that we get from 876 because that was my agreement
22 with the Department of Finance. Now, what I do not
23 know --

24 BOARD MEMBER EATON: And I would agree with you
25 because it's defensible and it was arranged to keep the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 apparatus going, but any of the other provisions that are
2 in the Bill speak to services rendered thereafter the
3 effective date of the legislation. And that's what
4 Senator Roberti, if I heard you correctly, wanting to get
5 from Ms. Tobias was is there a way to back-door past
6 expenditures of monies by others rather than use that
7 other "R" term.

8 BOARD MEMBER MEDINA: Madam Chair, the gist of
9 my original question in regards to other monies if other
10 monies were available because I think all the points that
11 Board Member Eaton has raised are very valid and very
12 serious concerns. And at the same time, however, I do
13 feel that Toxics does need some reimbursement and they
14 may need it now.

15 And so my question had been in regard to the
16 total of \$879,000 in those two funds and whether or not
17 those could be allocated to Toxics and give ourselves
18 time until next month to act more appropriately in regard
19 to any further compensation for Toxics.

20 MR. LEARY: Mr. Medina, I apologize for missing
21 your point. You're exactly right and I think what
22 Ms. Fish has proposed is exactly that, is to review the
23 fund condition and I guess distinguish between what is
24 available pursuant to 876 and what is currently available
25 and been collected in the past pursuant to the old tire

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 legislation and the quarter-a-tire fee that was assessed
2 in the past seven, eight, nine years, and then maybe next
3 year make that distinction and then the Board would then
4 decide, possibly after hearing agenda Item 15, that it
5 may be appropriate to expend 876 monies through the
6 remainder of this fiscal year and make the other monies
7 available for other purposes or consistent with purposes
8 proposed in the agenda item.

9 BOARD MEMBER ROBERTI: Ms. Fish, to put this in
10 as simple layman's English as possible, are you
11 suggesting that our proper avenue could be, could be --
12 that in essence we're encumbering pre-tire legislation --
13 and I never remember numbers, even when I was in
14 legislature.

15 BOARD MEMBER EATON: It was called the Roberti
16 Bill.

17 BOARD MEMBER ROBERTI: The Roberti Bill. We
18 used to do that. Right.

19 Did you hear me?

20 MS. FISH: Would you say that again? I kind of
21 lost the end of that.

22 BOARD MEMBER ROBERTI: That the pot of gold that
23 we are encumbering as a proper avenue to reimburse --

24 MS. FISH: What I'm saying --

25 BOARD MEMBER ROBERTI: Not to reimburse.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. FISH: What I'm saying is --

2 BOARD MEMBER ROBERTI: I hate that word.

3 MS. FISH: What I'm saying is we would --

4 BOARD MEMBER ROBERTI: Is to really to go after

5 the money that we had prior to the passage of the most

6 recent Tire Bill.

7 MS. FISH: Right.

8 BOARD MEMBER ROBERTI: Okay.

9 MS. FISH: That we have cash in the fund that we

10 could analyze to see if it was available for this as

11 different from the cash we proposed in this item.

12 BOARD MEMBER ROBERTI: Then at some subsequent

13 date we might find out that we can maybe even encumber --

14 MS. FISH: Right.

15 BOARD MEMBER ROBERTI: -- more out of the

16 current tire legislation. I'm not saying we will do

17 that, I'm not saying we won't, but maybe that avenue is

18 open to us.

19 MS. FISH: Absolutely. I see this turning into

20 a true accounting nightmare because you will have money

21 that will revert back into the account at the end of each

22 fiscal year following the end of this one that would

23 theoretically be cash that was available as a result of

24 the money we collected at the 25 cent level. Now, TJ,

25 don't quit.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 So then the money that you receive July 1st,
2 that cash will then be attached to future appropriation
3 authority. So we at some point may want to stop defining
4 it, but at this point in time we could define it.

5 BOARD MEMBER ROBERTI: At this point in time we
6 almost have to.

7 CHAIR MOULTON-PATTERSON: Excuse me.

8 BOARD MEMBER ROBERTI: I'll wait until we have
9 an answer from Ms. Tobias please.

10 CHAIR MOULTON-PATTERSON: Senator Roberti and
11 Ms. Fish, our court reporter has to have a ten-minute
12 break. And I'm very sorry to interrupt in the middle,
13 but her fingers.

14 (Recess taken)

15 CHAIR MOULTON-PATTERSON: If we could come back
16 to order, please. Thank you. If we could please come
17 back to order.

18 Where were we, Mr. Leary?

19 MR. LEARY: Maybe the way to start --

20 CHAIR MOULTON-PATTERSON: Ex partes. I'm sorry.
21 Thank you, Mr. Eaton.

22 Mr. Eaton.

23 BOARD MEMBER EATON: Because we draw a crowd

24 once in a while after something, I had a short
25 conversation with Mr. Kirpal, K-i-r-p-a-l, S-i-n-g-h, who

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 was interested in providing some products to the Board
2 and I referred it to Ms. Fish. And then also I had a
3 quick just meet-and-greet and jousting with Ed Lowry just
4 in fun.

5 CHAIR MOULTON-PATTERSON: Okay.

6 Mr. Jones.

7 BOARD MEMBER JONES: Thanks, Madam Chair. A
8 discussion with Ed Lowry and Terry Leveille.

9 CHAIR MOULTON-PATTERSON: Thank you.

10 Mr. Medina.

11 BOARD MEMBER MEDINA: None to report.

12 CHAIR MOULTON-PATTERSON: Mr. Paparian.

13 BOARD MEMBER PAPARIAN: Ed Lowry.

14 CHAIR MOULTON-PATTERSON: Senator Roberti.

15 BOARD MEMBER ROBERTI: No ex partes.

16 CHAIR MOULTON-PATTERSON: And I had none.

17 MR. LOWRY: Do you want me to leave?

18 (Laughter)

19 BOARD MEMBER EATON: We haven't had a unanimous
20 vote in a day and a half.

21 (Laughter)

22 BOARD MEMBER ROBERTI: Call us the supremes.

23 (Laughter)

24 BOARD MEMBER EATON: Not even on consent.

25 CHAIR MOULTON-PATTERSON: Okay. I know I was

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 interrupting Ms. Fish and Senator Roberti, so we'll take
2 off there.

3 BOARD MEMBER ROBERTI: If we were to allocate
4 money, do we have to specify from which fund it comes?

5 MS. FISH: No. I think that we would go back
6 and look at the Board's direction and then come back with
7 a recommendation on what we felt we could do or couldn't
8 do and then seek your support or not of that
9 recommendation.

10 BOARD MEMBER ROBERTI: But clearly you feel that
11 we would not be in violation of any existing finance
12 processes.

13 MS. FISH: Correct.

14 BOARD MEMBER ROBERTI: If all we do is allocate,
15 we don't enter into the world of scope of work or
16 contract at this juncture and we allocate with the
17 knowledge that we have from the old Tire Bill, pre-876 --
18 roughly how much money was that?

19 MR. LEARY: \$870,000.

20 BOARD MEMBER ROBERTI: \$870,000; am I right?

21 MS. FISH: Right. And then what we would be
22 required to do is come back to let you know if there is
23 that true amount of cash available. I haven't looked at
24 the fund conditions.

25 BOARD MEMBER ROBERTI: Okay. What would happen

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 if we found we didn't have that kind of cash available?

2 MS. FISH: Well, then what we may have to come
3 back and request a lesser allocation or request that --

4 BOARD MEMBER ROBERTI: Okay.

5 MS. FISH: -- when we come back with the scope
6 of work or the contract that we would then ask the Board
7 to award that it would be a lesser amount.

8 BOARD MEMBER ROBERTI: And that would be at the
9 January meeting.

10 MS. FISH: Correct.

11 BOARD MEMBER ROBERTI: Okay. I would like to
12 ask Ms. Tobias the same question from the legal rather
13 than the fiscal point of view.

14 If we allocate money with the knowledge A, that
15 we have pre-876 monies available that probably would
16 cover the allocation, we don't go into the issue of scope
17 of work or contract, and that that money that's
18 available, even if it is short, we can then remedy with a
19 subsequent allocation, if we do all that and we were to
20 allocate say \$600,000 to the Department of Toxics at this
21 meeting, would that be licit?

22 MS. TOBIAS: I think that's the proper approach
23 at this point is to go ahead and do that and then let us
24 come back, show the basis upon which that money could be
25 awarded, if there is one, and basically let us try to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 justify these statutes, do the fund condition report. So
2 that seems like the proper approach to me.

3 BOARD MEMBER ROBERTI: With the full
4 understanding that in January if we don't have sufficient
5 funds or if we have a priority encumbrance that we didn't
6 know anything about or didn't see happening --

7 MS. TOBIAS: Or there's no legal basis.

8 BOARD MEMBER ROBERTI: Or there's no legal
9 basis, we can make that change in January.

10 MS. TOBIAS: Right.

11 BOARD MEMBER ROBERTI: Well, Madam Chair, with
12 that in mind, just to get the ball rolling -- and I
13 anticipate some debate on the matter -- I would move
14 Resolution 2000-487 with an amendment on the transfer to
15 DTSC and RWQCB for Westley of -- from \$1,528,000 to
16 \$558,000 -- why that figure is that it would leave us
17 with \$600,000 which I would call a prudent reserve,
18 although I don't know if that is the terminology we use
19 on this agency, with the full understanding that in
20 January staff is going to come back to us and tell us A,
21 if we have the money, what the proper fund is, and if
22 there is any legal problem to what we are doing.

23 And I fully appreciate and actually thank
24 Mr. Eaton for raising the propriety points, which are
25 more than just that. They are the proper way in which we

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 encumber monies in government agencies, which to the
2 uninitiated are very arcane but we have to follow that.
3 I think Mr. Eaton is still free to argue another day in
4 January, if he chooses to do so, with this proposal.

5 CHAIR MOULTON-PATTERSON: We have a motion.

6 BOARD MEMBER PAPARIAN: I'll second.

7 CHAIR MOULTON-PATTERSON: A second.

8 A motion by Senator Roberti, seconded by
9 Mr. Paparian, for Resolution 2000-487 with the amendment.
10 Was there discussion before we vote?

11 Mr. Jones.

12 BOARD MEMBER JONES: Madam Chair, I think I made
13 it clear when I was discussing things with Terry Leveille
14 and I think that clearly we need to open the door to
15 DTSC.

16 My one concern is that I do think we're kind of
17 putting the cart before the horse. The idea that we have
18 a very short time frame, we're supposed to -- we have to
19 be in front of the legislature by July to have a
20 five-year plan. It's up to July. There's nothing that
21 says that we can't go earlier. Our constraint is we
22 don't have the people to put together the plan that is
23 the five-year -- that is the basis for whether or not
24 we're ever going to have any expenditure authority in the
25 future.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 I am very concerned that we're going to do
2 this -- I'm still confused about a couple of things that
3 I would like to ask, but I think that this required
4 money, this required operating expenses which are
5 personnel services, operating equipment expenses and
6 augmentation of mandatory services, the BOE contract to
7 collect the money, and the new building costs of
8 \$1,049,000, have we -- do we know where that money is
9 coming from? Is that taken care of and then there's
10 still this \$800,000 left over.

11 MS. FISH: Yes.

12 BOARD MEMBER JONES: All right. The -- I had
13 hoped that we would be able to have a discussion about
14 hiring -- and I don't care if we do some money to DTSC.
15 I don't think \$600,000 is the right number. I don't
16 think it's the right number because we're cutting
17 ourselves short from ever having the discussion about
18 what 876 is going to require and then having the ability
19 if we have to to get contract services. Somebody put out
20 a contract to help put the five-year plan together and to
21 get in front of the budget committees so that we can get
22 allocation sooner than later would mean we would have to
23 try to have a five-year plan done by March because it
24 would have to go to Cal/EPA and the Governor's office
25 before it ever went to the legislature.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 And I'm afraid -- and that's -- think long-term.
2 Think with a little long-term vision here. We need to be
3 able to enter into agreements with DTSC and other
4 agencies and other contractors, and all of that is
5 predicated on the fact that we have an acceptable
6 five-year plan, but yet if we leave ourselves no money
7 and we don't have the personnel to get it done in three
8 months, that's short-sided in my view.

9 I think it also allows us the time to talk about
10 what 876 is going to require. So I would -- I would just
11 want to suggest that maybe a figure -- what was Senator
12 Roberti's numbers? \$500,000? \$600,000.

13 BOARD MEMBER ROBERTI: \$558,000.

14 CHAIR MOULTON-PATTERSON: \$558,000, cut in half.

15 BOARD MEMBER JONES: We were both pretty close.
16 If we had a number somewhat lower, then we've entered
17 into the agreement, we've set the precedent, but we've
18 allowed ourselves the opportunity to develop what is the
19 cornerstone to this Bill and still accommodate the
20 discussion about what our requirements are under SB 876.

21 I throw that -- I'm not going to throw that out
22 as a substitute motion but to see if there's any other
23 discussion. The idea is -- I don't have a problem with
24 doing partial funding. I'm afraid that number may not
25 leave us enough money to put together a five-year plan.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER ROBERTI: I appreciate your point,
2 but I think that's the whole idea of staff coming back
3 and giving us an analysis of what monies that we have
4 available. It's not -- it is not a final -- it is not a
5 final number, but it does strike me as splitting the
6 monies that were requested, and part of what we're trying
7 to do is act in comity with an agency that did assist in
8 the major work of what this Board does. I'm just saying.
9 It's my own thought. So \$558,000 is not magic.

10 BOARD MEMBER JONES: I'm not disagreeing with
11 you. I'm not saying don't give them the money, I'm
12 saying that's fine. I just want us to think about the
13 effort that's going to -- number one, we're going to have
14 to rely on somebody to basically use the AB 117 report to
15 start to craft a five-year plan. And the reason I say
16 the AB 117 report is there was countless public testimony
17 and stakeholder working groups that helped put that
18 together and get all those points of view in there.

19 So the only way we're going to be able to do
20 that is use that as the template to start to put together
21 a five-year plan, and after you have a draft five-year
22 plan then you invite all the stakeholders in to review it
23 rather than let them just all throw stuff on the wall.
24 You need to have something because we don't have the
25 time. And I did have a discussion with Terry Leveille

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 about that to see if he felt -- because he was part of
2 all of those -- as we know, part of all those stakeholder
3 groups, if he thought they were pretty much
4 representative of what people had to say about what we
5 should do in the future.

6 While it's not the end-all, there are things
7 that need to be done. It is a good template to start
8 from, but we've got these people stretched to the Nth
9 degree. We need to have a discussion of do we want to
10 put out a contract to help develop the five-year plan and
11 at the same time come back and talk to us because we have
12 some new Board Members that -- I remember our discussions
13 up in Plumas County where we really went through that
14 plan for, I think, the third time and approved it that we
15 need to look at what that Bill is going to require. You
16 know, maybe the dollar amount, if it could be less, would
17 at least afford us the opportunity to do that.

18 BOARD MEMBER ROBERTI: I think we call for
19 \$600,000 reserve on this one, so -- I don't know. I hear
20 you, but I'm really anticipating that before we juggle
21 the numbers too much, I prefer staff in January to come
22 back with this. I think I'll stick with \$558,000 right
23 now. If it passes, fine. If it doesn't, we can go to
24 another number. The world doesn't come to a crashing
25 end.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. TOBIAS: Madam Chair.

2 CHAIR MOULTON-PATTERSON: Ms. Tobias.

3 MS. TOBIAS: May I say that in terms of the
4 numbers, if we notice it for \$558,000 in January, you can
5 go down but you can't go up. Your number does have a
6 little bit of -- it does make a difference there. So if
7 you want to have some flexibility about what you want to
8 allocate, you should go on the higher side as opposed to
9 the lower side. You could notice it for \$558,000 and
10 allocate \$200,000.

11 CHAIR MOULTON-PATTERSON: Okay. Thank you,
12 Ms. Tobias. Mr. Paparian, and then I'd like to say
13 something.

14 BOARD MEMBER PAPARIAN: Quick point. As long as
15 we're concerned about pre-876 and post-876 money looking
16 at how much money we have and so forth, I want to make
17 sure that the Sukut contract money that gets thrown into
18 that analysis, since the \$2 million from the pre-876
19 money, as I understand it has been allocated but it's
20 sitting in the bank, essentially in our bank account, but
21 it's going to be spent after the enactment of 876 and as
22 I understand it will be for purposes that are consistent
23 with the purposes of 876.

24 MS. FISH: That's okay.

25 BOARD MEMBER PAPARIAN: It's almost -- it's

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 boggling my mind a little bit but --

2 MS. FISH: That money is encumbered already in a
3 contract.

4 BOARD MEMBER PAPARIAN: Right. I'm not saying
5 to pull the money back, but as long as we're worried
6 about well, what happened pre-876 -- purposes pre-876 and
7 purposes post-876, it seems like that money is actually
8 going to be spent after the enactment of 876.

9 MS. FISH: Right.

10 BOARD MEMBER JONES: It will be disbursed after
11 876. It's already been encumbered pre-876.

12 BOARD MEMBER PAPARIAN: Right. But if we're
13 trying to do this sort of juggling about what's pre-876
14 money and what's post-876 money --

15 MS. FISH: This would be considered pre-876
16 money.

17 BOARD MEMBER PAPARIAN: In my mind I could
18 almost see it as being post-876 money, though, since it's
19 being spent after the enactment of 876 for things that
20 happen after 876. It's not going to be for things that
21 happened prior to the enactment of 876. It's going to be
22 for activities that happen after January 1st.

23 MS. FISH: That's true, but the appropriation
24 authority was based on money, cash we already had. So
25 you're right. It will be commingled because it's all in

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the same fund, but we would still track it back to the
2 year that the contract was encumbered. And so that money
3 would be for the year that we -- the money that we
4 collected in that year, and that's how we would view
5 that. It's the source of the money at the same time the
6 year of enactment of the contract.

7 BOARD MEMBER PAPARIAN: But again it's being
8 spent after --

9 MS. FISH: That doesn't matter.

10 BOARD MEMBER PAPARIAN: Toxics did a cleanup
11 prior to January 1st and it looked and smelled like a
12 cleanup to me, and the money that Sukut may spend is
13 going to happen after January 1st.

14 MS. FISH: Sounds like an accounting nightmare
15 to me. We would propose the way that the cost accrual
16 system -- that the way the state keeps track of their
17 cash versus their appropriation authority, that we would
18 tie that appropriation authority back to the revenue that
19 was collected at that point in time. And so our --
20 theoretically, our accounting books and our financial
21 statements would reflect that.

22 BOARD MEMBER PAPARIAN: Would there be anything
23 to prevent us, if we needed to, from changing that,
24 saying that some of the money comes from the accounting
25 after January 1st?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. FISH: Well, I would submit that once we do
2 our five-year plan and that is approved by the
3 legislature, that at that point it becomes irrelevant.

4 BOARD MEMBER PAPARIAN: So my basic point was
5 let's keep that on the table.

6 CHAIR MOULTON-PATTERSON: Thank you,
7 Mr. Paparian.

8 Senator Roberti.

9 BOARD MEMBER ROBERTI: The motion before you.

10 CHAIR MOULTON-PATTERSON: Yes. Okay. Fine. I
11 just wanted to speak in favor of the motion and I think
12 it's the fair way to go. I know that as Mr. Eaton and
13 Mr. Jones inferred, three of us up here, we weren't even
14 appointed in Plumas. And certainly we want to be as
15 familiar as they are with the Bill and everything that's
16 involved with it.

17 I'm very concerned about everything being out in
18 the open and we discussing this in the open and would
19 certainly want to do that and we'll appreciate any other
20 opportunities we have to talk about this Bill and how we
21 see our vision for implementing it or whatever, but I
22 would like to call for the question now.

23 Please call the roll.

24 BOARD MEMBER JONES: Could somebody repeat the
25 motion?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Senator Roberti, would
2 you please?

3 BOARD MEMBER ROBERTI: That we would pass
4 Resolution 2000-487. However, that the relevant portion
5 referring to the transfer to the DTSC and RWQCB for the
6 Westley tire pile cleanup number be changed from
7 \$1,258,000 to \$558,000.

8 That is the motion, and I think I should add
9 parenthetically, not part of the motion but for the
10 record, I am doing this with the full understanding that
11 we will receive a report from staff in January as to what
12 monies we have and how they are encumbered in this agency
13 and that if we must, we can reduce that number if we do
14 not have sufficient monies; and that I am making the
15 motion with the understanding that the overwhelming
16 probability is that in the pre-876 funds we have
17 sufficient monies to cover it.

18 CHAIR MOULTON-PATTERSON: Thank you, Senator
19 Roberti.

20 MR. LEARY: Madam Chair, may I ask a clarifying
21 question? As I understand the motion, Senator Roberti,
22 you are including all options in Table 3 as part of this
23 resolution --

24 BOARD MEMBER ROBERTI: Yes.

25 MR. LEARY: -- with the exception of the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 transfer to DTSC and that amount is reduced to \$558,000.

2 BOARD MEMBER ROBERTI: Yes.

3 CHAIR MOULTON-PATTERSON: Thanks for that
4 clarification, Mr. Leary.

5 We have a motion by Senator Roberti, seconded by
6 Mr. Paparian.

7 Please call the roll.

8 BOARD SECRETARY: Eaton.

9 BOARD MEMBER EATON: For the reasons stated
10 before, and I thank the Senator for trying to come up
11 with an appropriate motion and for leaving some breath in
12 the corpse and some meat on the skeletons, I'll vote no.

13 BOARD SECRETARY: Jones.

14 BOARD MEMBER JONES: Because we're not going to
15 look into the future, I'm going to vote no.

16 BOARD SECRETARY: Medina.

17 BOARD MEMBER MEDINA: Yes.

18 BOARD SECRETARY: Paparian.

19 BOARD MEMBER PAPARIAN: Aye.

20 BOARD SECRETARY: Roberti.

21 BOARD MEMBER ROBERTI: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 CHAIR MOULTON-PATTERSON: Aye.

24 Motion passes.

25 MS. FISH: Madam Chair, one clarifying point.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Mark said -- Mr. Leary said transfer of \$558,000 and I
2 want to make sure that what we're saying here is AN
3 allocation, that it's the Board's expectation that we
4 come back with a contract and ask for an award.

5 CHAIR MOULTON-PATTERSON: Yes.

6 BOARD MEMBER EATON: That wasn't the motion.
7 That was not the motion.

8 CHAIR MOULTON-PATTERSON: Senator.

9 BOARD MEMBER ROBERTI: Yes.

10 BOARD MEMBER EATON: You did not ask for a
11 contract; did you?

12 BOARD MEMBER ROBERTI: That's part of the
13 procedure. I understood that to be part of the
14 procedure.

15 BOARD MEMBER EATON: But you didn't ask for the
16 contract. You asked to come back as to the viability of
17 having a contract. The issue here is whether --

18 BOARD MEMBER ROBERTI: Yeah. I -- there's --
19 well --

20 BOARD MEMBER EATON: That's right. No
21 contract.

22 BOARD MEMBER ROBERTI: This can't possibly be
23 implemented without a contract. I made it -- or with a
24 scope of work, from what I understand. So I made it with
25 that understanding.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. FISH: So to clarify, in January your
2 expectation is for staff to come back with whether or not
3 this is legal, feasible.

4 BOARD MEMBER ROBERTI: Right.

5 MS. FISH: And with a proposal --

6 BOARD MEMBER ROBERTI: With the understanding.
7 Then I expect -- and you can help me more with what our
8 orderly procedure is, but I expect at that point in
9 January we should have a resolution before us on what is
10 akin to a scope of work; am I right?

11 MS. FISH: Okay. So then what you're saying is
12 at that time in January --

13 BOARD MEMBER ROBERTI: And then I guess a
14 contract --

15 MS. FISH: And we would propose a scope of work
16 --

17 BOARD MEMBER ROBERTI: Scope of work and
18 contract on the same day, we can do that.

19 MS. FISH: What I'm hearing is then we would
20 come back the following month with a proposed contract.

21 BOARD MEMBER ROBERTI: Yeah. If we could do
22 both in January and everything seems to be okay,
23 that's -- I'm happy with that, but if the normal course
24 is January-February, I don't have a problem with that
25 either.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

Please note: These transcripts are not individually reviewed and approved for accuracy.

1 MS. FISH: So if staff can get the information
2 prepared, they will come back with an item discussing
3 whether it's legal, appropriate cash in the fund is
4 available --

5 BOARD MEMBER ROBERTI: Right.

6 MS. FISH: -- as well as an item --

7 BOARD MEMBER ROBERTI: Right.

8 MS. FISH: -- to ask the Board --

9 BOARD MEMBER ROBERTI: Right.

10 MS. FISH: -- to award a contract --

11 BOARD MEMBER ROBERTI: Right.

12 MS. FISH: -- to come back with a scope of work.

13 BOARD MEMBER ROBERTI: I think the proper avenue

14 would be to give definitely a scope of work and then our
15 option to the contract on that day. It's hard for me to
16 anticipate because I'm getting an education here today as
17 well, to anticipate what I'm going to want to vote on in
18 January. But I think I would like to have before me, for
19 January, both the scope of work and a contract with the
20 idea that definitely we will be voting on the scope of
21 work if everything is licit and then maybe on a contract
22 but certainly a contract in February.

23 MS. FISH: Understood.

24 CHAIR MOULTON-PATTERSON: That was my

25 understanding. Okay.

Please note: These transcripts are not individually reviewed and approved for accuracy.

101

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: You predetermine the
2 result.

3 BOARD MEMBER ROBERTI: The resolution --

4 BOARD MEMBER EATON: You pre-determine the
5 result at that point.

6 BOARD MEMBER ROBERTI: I don't quite understand.

7 BOARD MEMBER EATON: Well, because what happens
8 in -- are you asking them to prepare an item? What
9 happens if their legal analysis says no? You're still
10 going to have a contract prepared --

11 MS. TOBIAS: We could have it in two items.

12 BOARD MEMBER EATON: No. Let me finish my
13 sentence.

14 BOARD MEMBER ROBERTI: They say --

15 BOARD MEMBER ROBERTI: We should absolutely
16 debate what the legal grounds are --

17 BOARD MEMBER ROBERTI: I absolutely agree with
18 you, Mr. Eaton. I absolutely agree with you. I mean if
19 they come back and say that it is not licit, and I use
20 that word to cover a whole wide range of things, then we
21 may need a resolution to reject. I don't know. Or
22 probably not because an allocation just goes away.

23 So no, I'm not anticipating that now you come
24 back. That would make this whole exercise empty.

25 BOARD MEMBER EATON: Then if I could ask your

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 courtesy in making an additional request, that we as
2 Board Members at least have ten days to view prior to the
3 board meeting those materials and that any materials
4 submitted thereafter are not valid because we need some
5 ability to go and review what Legal has brought or what
6 the contracts are. The fact that they're dropped on our
7 desk the day before is just not fair. It's not fair to
8 our arguments. It's not fair --

9 BOARD MEMBER ROBERTI: What day is our meeting?

10 CHAIR MOULTON-PATTERSON: The 23rd. So you
11 could have them by the 13th?

12 MS. TOBIAS: Sure.

13 CHAIR MOULTON-PATTERSON: Thank you.

14 BOARD MEMBER ROBERTI: You should be able to do
15 that.

16 MS. TOBIAS: I don't have any problem with a
17 regular item.

18 CHAIR MOULTON-PATTERSON: Okay. So we'll have
19 them by at least by the 13th, Mr. Eaton.

20 Okay. Moving along, would you like to go back
21 to 13 and then do 15? What order, Mr. Leary? And then
22 we'll probably take our lunch break and we're going to be
23 doing our closed session during lunch.

24 MR. LEARY: Allow me to suggest that we do 13
25 before lunch. 15 is a fairly substantive item --

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Okay.

2 MR. LEARY: -- and a little bit of a
3 presentation.

4 CHAIR MOULTON-PATTERSON: However. I was just
5 trying to get you through by the lunch hour, but however
6 you want to do it.

7 MR. LEARY: In deference to the importance of
8 876, I would not like to rush through that
9 presentation.

10 CHAIR MOULTON-PATTERSON: Okay. That sounds
11 great. So you'll do Number 13 now.

12 MR. LEARY: So we'll do 13 before lunch and 15
13 after lunch if that's okay.

14 CHAIR MOULTON-PATTERSON: That's okay.

15 MR. LEARY: Agenda Item 13 is consideration of
16 approval of scoring criteria and evaluation process for
17 fiscal year 2000/2001 household hazardous waste grants.
18 Ms. Shirley Willd-Wagner, Branch Chief, will make that
19 presentation.

20 MS. WILLD-WAGNER: Good morning, Madam
21 Chairman -- Chairperson, excuse me -- and Board Members.
22 I'm Shirley Willd-Wagner of the Special Waste Division.
23 Item 13 is the scoring criteria and evaluation
24 process for the fiscal year 2000/2001 household hazardous
25 waste grants. As you're aware, Public Resources Code

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Section 47200 authorizes the Board to award up to \$3
2 million annually for competitive grants to local
3 governments for programs that reduce the illegal disposal
4 of household hazardous waste.

5 The review process we propose today is very
6 similar as in other Board competitive grants. It calls
7 for a blind review of 10 percent of the applications and
8 it provides for a maximum of \$150,000 for individual
9 applicants and \$300,000 for regional programs.

10 I'll start on attachment 1, the actual proposed
11 criteria. The first seven criteria are the standard
12 criteria with all competitive grants. The highest number
13 of -- highest priority is given to the need for the local
14 project in the local jurisdiction where they identify the
15 gap in service and describe the population that will be
16 served. The program-specific criteria number 8, 9 and 10
17 are specified in statute, and number 10 we've actually
18 focused a little bit more to programs that expand
19 existing programs to include collection of products that
20 have been identified by the Board as high priority --
21 electronic waste, universal waste, which is the
22 fluorescent light tubes, paint, antifreeze and pollution
23 prevention education programs. Criteria number 11 is
24 that the applicants are given points, 10 preference
25 points, if they have not received a household hazardous

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 waste grant in the past three cycles.

2 This is more points than we've done in the past.

3 It's a little bit higher priority, and as a result of the

4 meeting in August in Orange County where the Board

5 expressed a desire and a priority to establish a minimum

6 level of standard collection opportunities throughout the

7 state, we're still kind of grappling with what that

8 standard might be but we have had staff do an analysis of

9 the current situation and the opportunities that are

10 available currently and trying to identify where adequate

11 infrastructure is lacking.

12 We have found that there are 85 permanent

13 collection facilities throughout the state and an

14 additional 107 recycle-only facilities. This provides

15 some type of service to 57 percent of the population. 57

16 percent of the population actually live in a county where

17 they having access to a permanent facility. As you know,

18 the counties vary quite a bit in size in California, so

19 it could still mean an hour or more drive to these

20 permanent facilities, but at least 57 percent of the

21 people live in a county where there is some type of

22 permanent facility.

23 42 percent of the population has access only to

24 temporary events which are one- or two-day collection

25 events held in a local community either once a year or

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 sometimes every two years. We don't consider that an
2 adequate level of service. As you know, when you clean
3 out your garage or move, you're not going to want to wait
4 nine to 12 to 15 months for a one-day event where you
5 might have a conflict on that day anyway. We don't
6 consider that adequate service, but at least it's
7 something.

8 In light of that, we have criteria 12 which does
9 award preference points also to applicants proposing to
10 establish permanent collection facilities. Now, at the
11 briefing last week, Mr. Leary mentioned the possibility
12 of combining two fiscal year funding cycles for the
13 household hazardous waste grants, but after further
14 discussions with the Administration Division and the
15 Legal Office, we've decided to keep our two grant
16 programs separate and have them follow one after the
17 other.

18 We would like to describe this plan on our
19 Notice of Funding Availability, and I'll describe the
20 plan now. The 2000/2001 grants, we would follow the
21 timing that's listed in the agenda item and award these
22 grants in May. They would then be available for
23 expenditure for 22 months, so they would necessarily need
24 to focus on shorter term projects that it could be
25 accomplished within that time frame, be looking at

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 collection of some of these special wastes we've
2 discussed, and public education programs.

3 Then for the 2001/2002 grants, we would come
4 back to the Board in February with the proposal to
5 structure the criteria to focus those grants specifically
6 on establishing permanent collection facilities and award
7 significant preference to those entities which do not
8 have adequate collection opportunities right now.

9 So we would come back to the Board in February
10 with that. We would try to explain that overall plan on
11 our Notice of Funding Availability in order to allow the
12 local governments as much information to do their
13 planning as far ahead in advance as they could.

14 So staff recommendations for this item is Board
15 adoption of Resolution 2000-488, the criteria and
16 evaluation for process for the 2000/2001 household
17 hazardous waste grants.

18 Any questions?

19 CHAIR MOULTON-PATTERSON: Any questions? Seeing
20 none -- I think everyone's tired. Thank you for that
21 nice report.

22 Mr. Paparian, would you like to --

23 BOARD MEMBER PAPARIAN: Yeah. I would like to
24 move Resolution 2000-488, approval of the scoring
25 criteria and evaluation process for the FY 2000/2001

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 household hazardous waste grants.

2 BOARD MEMBER MEDINA: Second.

3 CHAIR MOULTON-PATTERSON: We have a motion by

4 Mr. Paparian, seconded by Mr. Medina, for approval of

5 Resolution 2000-488.

6 Please call the roll.

7 BOARD SECRETARY: Eaton.

8 BOARD MEMBER EATON: Aye.

9 BOARD SECRETARY: Jones.

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY: Medina.

12 BOARD MEMBER MEDINA: Aye.

13 BOARD SECRETARY: Paparian.

14 BOARD MEMBER PAPARIAN: Aye.

15 BOARD SECRETARY: Roberti.

16 BOARD MEMBER ROBERTI: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 CHAIR MOULTON-PATTERSON: Aye.

19 Thank you very much. And we will adjourn to

20 closed session and lunch. We hope to be back by 1:30 --

21 1:15. 1:30? 1:30, I guess.

22 Thank you.

23 (Lunch recess taken)

24 CHAIR MOULTON-PATTERSON: I'd like to call the

25 meeting back to order.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Ex partes.

2 BOARD MEMBER EATON: No, just talking to you

3 guys.

4 CHAIR MOULTON-PATTERSON: Mr. Jones.

5 BOARD MEMBER JONES: No.

6 CHAIR MOULTON-PATTERSON: Mr. Medina.

7 BOARD MEMBER MEDINA: Terry Leveille.

8 CHAIR MOULTON-PATTERSON: Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Yvonne Hunter.

10 CHAIR MOULTON-PATTERSON: Okay. And I had none,

11 and we'll check with Senator Roberti when he returns.

12 We're on Item Number 15. We do have some

13 speakers and I'll turn this over to Mr. Leary.

14 Mr. Singh, did you want to speak on Item Number

15 15? Was it Item Number 15 you wished to speak on?

16 MR. SINGH: Yes, ma'am.

17 CHAIR MOULTON-PATTERSON: Okay. Thank you.

18 MR. LEARY: Good afternoon, Madam Chair. Mark

19 Leary again representing the Special Waste Division.

20 Agenda Item 15 is the discussion of proposed

21 implementation of Senate Bill 876, the California Waste

22 Tire Recycling Enhancement Act. I have prepared for you

23 today a two-part presentation, one to highlight what I

24 think are the most significant aspects of Senate Bill 876

25 and secondly to ask for some feedback while walking you

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 through our proposed plan of how do we get from here to
2 July 1st and then beyond and all the different things the
3 Board might want to consider implementing in moving
4 through that time schedule.

5 I think the Board knows pretty well by now
6 Senate Bill 876 passed this past legislative session, was
7 signed by the Governor and it becomes effective on
8 January 1st. Among the critical provisions of Senate
9 Bill 876 is an increase in the tire fee. It increases
10 the assessment on new tires, and new is defined
11 differently than it had been before, from \$1.00 to 25
12 cents. After December 31st, 2006 it's reduced to 75
13 cents.

14 It allows the retailer to keep 3 percent of the
15 fee for administrative costs that they incur in the
16 collection of the fee, and it extends the California tire
17 fee to tires on all new motor vehicles. As you will
18 recall, it was only tires sold without the rim at the
19 retail level. With the passage of SB 876 it now extends
20 to new motor cars, and BOE is now in the process of
21 informing new motor car dealers that the assessment will
22 be \$5 per new car sold in the state of California with
23 the inclusion of the spare tire.

24 It directs the Board to spend not less than \$6.5
25 million from the start of fiscal year 2001 through 2006-7

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 for the purposes of tire pile cleanup. It changes a
2 number of definitions significantly, and although much of
3 the discussion of SB 876 has been about the financial
4 provisions, there is some -- we think some pretty
5 reasonable streamline, regulatory streamlining aspects of
6 SB 876.

7 One of those considerations is a better and
8 newer definition of waste tires. Waste tires now include
9 all repairable tires, scrap tires, and an altered waste
10 tire, but it does not include a number of critical
11 provisions, tire-derived product, crumb rubber or used
12 tires that is organized for inspection or resale by size
13 in a rack or stack in accordance with the definition of
14 used tire.

15 Tire-derived product is a new definition
16 implemented in SB 876. This is important because it
17 allows materials that meet the definition of tire-derived
18 product to be managed outside of the regulatory authority
19 of the Board and thus streamline the flow of economy
20 without sacrificing protection of the public health and
21 the environment. Tire-derived product is derived from a
22 process using whole tires as a feedstock. The process
23 may include shredding, crumbing or chipping, but it has
24 to have been sold and removed from the processing
25 facility to meet that definition and thus not be subject

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 to our regulatory purview.

2 A used tire is a tire which meets the applicable
3 requirements of the Vehicle Code and stored by size in a
4 rack or stack but not in a pile in a manner approved by
5 the local fire marshal and the vector control
6 authorities. The idea here is to get those operations
7 that are meaningfully engaged in the sale of used tires
8 outside of the need for a tire facility permit and allow
9 them to engage in commerce without being subject to our
10 permitting requirements, inappropriately subject
11 inappropriately to our permitting requirements. They
12 still have to have met the local fire marshal and vector
13 control authorities' mandates so that they will be
14 operated safely.

15 Hauler registration allows a couple of new
16 exemptions from tire hauler registration and increases
17 the number of tires that can be transported at any one
18 time from four to nine. It allows a person who's
19 transporting tires on an amnesty day or to a legal
20 disposal site so long as they've received written
21 authorization from the LEA specifying conditions for
22 hauling on that such day, and it provides the Board
23 greater authority to revoke, deny or penalize hauler
24 registration.

25 The tire manifest is a new provision of SB 876

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and a new expanded provision of SB 876. It requires
2 copies be submitted to the Board from the generator, the
3 hauler and the destination site, not unlike the
4 cradle-to-grave management of hazardous waste in the
5 United States, and in California of course.

6 It authorizes the Board to develop an electronic
7 system for the submittal of manifests in an effort to
8 streamline the data being shared between the submitter
9 and the Board. It allows the Board to conduct audits of
10 generators, haulers and destinations by using this
11 manifest. It gives us new authority, greater authority
12 in suspending, revoking or denying permits, waste tire
13 facility permits, based on findings of misrepresentation,
14 violation of permit conditions or hauler registration
15 requirements, and chronic non-compliance which pose a

16 risk to the public health and safety and the environment.

17 Now to move forward on how we look to the future
18 in implementing 876. I don't mean for this presentation
19 to be comprehensive. We want to throw some ideas out to
20 you, seek your feedback. You may suggest that we're
21 maybe being a little overly ambitious or you may suggest
22 we're not being aggressive enough. But we've jotted some
23 ideas on paper and we thought we would see what you
24 thought of them.

25 First of all, we have to develop a five-year

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 plan. That's been discussed I think a little bit already
2 today. It's important that this five-year plan -- it's
3 important that we realize that the five-year plan not
4 only requires the Board to establish goals and
5 priorities, but we have to develop performance objectives
6 by which we measure our success in meeting those
7 priorities and goals.

8 We have to submit it to the legislature by July
9 1st, 2001. The plan will be used as the basis of the
10 development of our budget and it needs to be updated
11 every two years. Given the time frames that we have to
12 develop the five-year program, I think it's useful to
13 think of the five-year plan as a living document. We're
14 going to take a whack at it. We're going to meet the
15 legislative mandate of July 1, but I don't see this
16 document as one that will sit on a shelf from thereon
17 after and we'll pull it out every two years and we'll
18 look at it.

19 Given the ever-changing landscape of the tire
20 marketplace and given our need to be responsive to that
21 marketplace and also affect in marketplace in terms of
22 development of markets, this is a plan that we're going
23 to need to continue to revise, review and rethink.

24 The five-year plan also has particular program
25 elements. We want to define our enforcement of permit

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and hauler registration regulations. We need to provide
2 in the five-year plan how we're going to go about
3 remediating illegal stock piles. We wanted to define in
4 the five-year plan our research alternatives to landfill
5 disposal. We want to develop markets for new
6 technologies, and we want to develop and implement the
7 new hauler program and the new manifest system.

8 We've talked a little bit already today about
9 bringing this first draft of the plan before the Board in
10 March with the idea that by getting it to the Board in
11 March, at least initially, we may have a shot at making
12 our July 1 deadline.

13 Let me stop at this point and ask for some
14 thoughts or some comments. There's been a little
15 discussion this morning about the level of stakeholder
16 input. We hope to build this five-year plan from the AB
17 117 report which, as most of you know, has received
18 extensive stakeholder input and has been the subject of a
19 number of workshops.

20 We would like to think that because we've
21 accomplished a significant amount of stakeholder input
22 and building from the AB 117 report, that in the interest
23 of time we may find ways to streamline the amount of
24 stakeholder input between now and March 1st. I'm not
25 suggesting that we don't do anything, but I'd like to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 suggest that we not try to hold a large number of
2 workshops and try to reach all of the state and all the
3 interests of stakeholders in the state and still reach
4 that March 1st deadline for you.

5 I'll stop there and ask for some feedback.

6 CHAIR MOULTON-PATTERSON: Mr. Paparian.

7 BOARD MEMBER PAPARIAN: I do think it's
8 important to move the plan along given the legislative
9 deadlines and fiscal deadlines that we have in front of
10 us, but at the same time I think it's important to
11 solicit and listen to some of the stakeholder comments
12 about this.

13 I understand the difficulty that there may be in
14 holding many workshops between now and March, but I would
15 hope that at least a couple of workshops could be held
16 between now and then. I know there's a lot of very
17 active interest in this issue from a variety of folks,
18 and I would think that through the workshop process we
19 could solicit some good ideas which would build on the AB
20 117 report and in light of what's actually in SB 876.

21 One thing I've also thought is that perhaps
22 this might be a good issue to perhaps have some sort of
23 working group of the Board assist the staff in running
24 the workshops and developing some of the ideas and
25 reporting back to the full Board.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 I'm not necessarily volunteering for that. I
2 think there are a couple of other Board Members down at
3 the end there who have spent a lot more time and effort
4 and energy on tire issues and I defer to them for their
5 good thinking in this area, but I do think that some
6 active Board involvement in working with the staff,
7 working with the stakeholders and getting this thing back
8 to us by March would be useful.

9 CHAIR MOULTON-PATTERSON: Thank you. I think
10 that's a really good idea. What about if you would work
11 with them as a new Board Member? And what about Danny
12 and Steve, would you volunteer?

13 BOARD MEMBER EATON: I'm happy to work and put
14 them together. My comments are, Mr. Leary, my
15 feedback -- and this is just personal opinion
16 obviously -- is that March is too late, and I will tell
17 you why. Because at some point the Chair, if we have an
18 Executive Director, he or she will have to show up at
19 budget subcommittee and ask to explain because of other
20 laws that are on the books that we have to have our
21 allocation in or our plan in for a budget.

22 I don't think we want to be as a Board in a
23 position of having no budget in going into conference
24 committee and not having a budget. We have to have some
25 sign-off by one or both of the houses as to the plan.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Think of it. Where we've been successful in the past is
2 where we have gone into, and the Senate version of our
3 budget and the Assembly version of our budget have had no
4 conferencable items. Senator Roberti, you can help and
5 know what conference committee can be like if you go in
6 and there are differences there.

7 My question then becomes and just for discussion
8 for all of us because I've been trying to think it
9 through is how do we get there. They're not going to
10 allow us to go through. They'll just say you have no
11 budget because we're waiting for sign-off from the agency
12 or the Governor's office. We've got to do something well
13 before that, and then what will happen is in March I
14 think we'll go through and they'll say come back in April
15 before the May revise and the subcommittees will always
16 meet one more time.

17 I'm not sure -- I think even though the Bill
18 says July 1st, I don't think you have until July 1st to
19 submit it. I believe what you have is the ability -- is
20 for us to have to go in and defend the plan during our
21 budget hearings, our subcommittee budget hearings, and I
22 don't know when those would be, but my guess is those are

23 generally March. Depends. Senator Pea started them
24 fairly early last year. They didn't really get going
25 until -- I don't have my reports, but I think that you

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 have to look at how do we get that going or do we have an
2 allocation plan.

3 I think it's fairly prescriptive as to what
4 we're intended to do because the Governor's office was
5 very clear about what they wanted in the Bill, the
6 legislators were clear what they wanted. They wanted
7 cleanup and enforcement.

8 What are you envisioning the plan to be? I see
9 us going really having to go in there and say that we
10 have 85 sites that we now know of, and our budget is
11 going to be \$6.5 million to clean up those 85 sites. I
12 think that's what they're going to want to know, that
13 level of specificity, because they already have given the
14 money to the farm and ranch program.

15 My understanding from the Bill and my
16 understanding in dealing with the Bill is that the \$6.5
17 million does not include the money going to the farm and
18 ranch. So actually what we have is we actually have
19 about \$6.8 million for cleanup, although some of that is
20 allocated for the farm and ranch. So that's a benefit to
21 us. Normally -- and that was something that was
22 corrected in drafting, that basically they wanted to say
23 that came off of the \$6.5 million and I said no, that's
24 on -- we get the \$6.5 and then on top of that you get
25 some money for the farm and ranch.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 So that's the kind of level of specificity. If
2 you ask me what you need to do, you need to find out what
3 sites are out there, where they are, what kind of
4 property access we have working with the Legal
5 Department, and that list has to be submitted with a
6 dollar figure next to it.

7 MR. LEARY: Let me ask --

8 BOARD MEMBER EATON: That I think will get you
9 by at least the first hurdle.

10 MR. LEARY: As we've talked about the time frame
11 internally, we've talked about if we had something in
12 draft before the Board in March, we would also use that
13 for our discussions with the control agencies as well as
14 the legislature as we went through the legislature
15 process, that we wouldn't necessarily have to be fully
16 adopted by the Board to work our way through the
17 legislative process.

18 Let me ask for your guidance in terms of dealing
19 with the legislature. Do you think the legislature would
20 at least accept for discussion purposes a draft document?

21 BOARD MEMBER EATON: They've in the past
22 criticized us for such documents; have they not? We
23 really should have some sort of --

24 MS. FISH: You know, I'm thinking that the
25 information that we provided to the legislature was part

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 of the supplemental budget report. So I don't think that
2 there will be --

3 BOARD MEMBER EATON: Their quote was, "You asked
4 us for the money and then you told us how you spent it
5 afterwards." That's what a draft document raises the red
6 flag with the LEO about.

7 MS. FISH: Right. And we know that in this
8 spring we're going to have to put forward a proposal
9 because the existing appropriation authority that we have
10 in the fund is only at the \$5 million. So there will
11 have to be some sort of a transmittal, whether it's a
12 spring finance letter to raise the authority.

13 Finance will not let us raise the authority
14 unless we have some part of a five-year plan in place.
15 So the earlier we can adopt a five-year plan, the better
16 position we're going to be to go forward to the
17 legislature to ask for them to approve a spring finance
18 letter.

19 BOARD MEMBER EATON: And I think what's
20 different about this plan is in the past we've all
21 submitted plans. I've received a number of plans.
22 Everyone who's worked in the legislature has received a
23 number of plans from the agencies. This is one of the
24 few times I've seen where they've not only asked for it
25 to be submitted to the legislature but to the fiscal

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 bodies as well. Big difference.

2 So when you ask me that question, I don't think
3 a draft given the language that was put in there -- and I
4 think that was put in with finance and the legislature's
5 concurrence. It wasn't really something that all of us
6 wanted. So those are just some thoughts.

7 BOARD MEMBER JONES: Wasn't it three years ago?
8 I think it was three years ago that we had the change
9 from giving to the legislature where we thought we were
10 going to spend the money to an actual -- we changed the
11 timing of that where we actually voted on the allocation,
12 which is what I think Mr. Eaton is talking about, and
13 then with knowing that if those dollars were not expended
14 they would be reallocated into -- and we even had to
15 define, I think, where the two pockets -- or where we
16 would redirect money if it didn't all get used.

17 MS. FISH: We changed the process to bring the
18 allocation forward early in the spring based on the next
19 year's appropriation authority so that when we went
20 before the legislature for them to hear our budget in the
21 spring, they knew the allocations that were going to be
22 made by the Board, even though the appropriation
23 authority wasn't going to be received until July 1st.

24 BOARD MEMBER JONES: And I think part of the
25 five-year plan that's going to create some issues for us,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 I think, are that the Bill says we have to spend a
2 minimum of \$6.5 million on cleanup. So we may end up
3 spending more than \$6.5 million, but at a minimum we have
4 to spend \$6.5 million. That's why I asked the question
5 earlier if this \$1.2 million was -- where was it going to
6 count against, but that's old news.

7 The -- so we really have to come up with some
8 cost estimates of not just the 85 piles but the two --
9 the two big remediation projects and some kind of --
10 couldn't really even do a scope -- we would have to at
11 least identify the types of projects that would be going
12 on over the next five years that could be -- that the
13 Board would have to allocate dollars on, and then
14 everything is conditioned on the fact that while this is
15 the general road map, we've got to go back in front of
16 the legislature every two years with a plan that deals
17 with those current conditions, what we expect to be the
18 current conditions for the next two years.

19 So I think there is an awful lot of work that
20 has to be done very quickly.

21 MR. LEARY: In some respects the tire cleanup
22 component of this may be the easiest part of it.

23 BOARD MEMBER JONES: Right.

24 MR. LEARY: Defining a budget and a fiscally
25 responsible proposal for effecting markets in this state

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 for tires is, I think, in some respects more of a
2 challenge.

3 BOARD MEMBER EATON: I may be somewhat
4 pedestrian, but I always go back to the documents by
5 which we were given the authority which is, i.e. the
6 Bill.

7 MR. LEARY: I have my Bill right here.

8 BOARD MEMBER EATON: Although it's not codified,
9 in putting it in layman's language, it says under the
10 existing law -- that was the previous law -- the money in
11 the tire recycling fund is authorized to be expended by
12 the Board upon appropriation in the annual budget for
13 various purposes concerning tire recycling, et cetera, et
14 cetera, et cetera.

15 This Bill would require the funding for the tire
16 program be appropriated consistent with the five-year
17 plan as adopted and updated by the plan. That, point
18 one, is you have to have a five-year plan before we even
19 get the money. So that five-year plan has to be
20 developed; right? So that's what you're saying.

21 Then in addition, have we given any thought to
22 the local agency? Remember that provision where you have
23 to designate a local agency?

24 MR. LEARY: That's later in my presentation.
25 I've got a couple of more bullets here.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: First and foremost you've
2 got to go through what are the elements, what are we
3 required to do just as a threshold. And it's listed
4 very, very clear. So that ought to be a road map in
5 terms of how you go about developing this, and then
6 that's where your stakeholder involvement can come in,
7 but it's really a laundry list.

8 MR. LEARY: It is.

9 BOARD MEMBER EATON: And you fill in. You've
10 got the skeleton. Let's put some meat on the bone.

11 That's my direction and I think it's fairly
12 simple, and that was why the argument -- and I don't want
13 to get back into it -- why I raised the issue about
14 allocation because it's very tricky in terms of some of
15 the situations they work with.

16 It's pretty clear that what is consistent and
17 what they're going to appropriate the money for is based
18 upon that plan, and that plan really has to be developed
19 I think long before March. It can't be a draft plan or
20 it's got to be enough of a specific plan that works
21 through because everyone's going to have their hooks into
22 it at a certain point.

23 BOARD MEMBER JONES: Can I -- question.

24 CHAIR MOULTON-PATTERSON: Mr. Jones.

25 BOARD MEMBER JONES: The feasibility issues, is

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 that just about the manifest system or is that about all
2 of this stuff?

3 MR. LEARY: The feasibility -- requirement for a
4 feasibility study report applies to the purchase and
5 development of new information technology --

6 BOARD MEMBER JONES: Okay. All right.

7 MR. LEARY: -- that will be used to meet the
8 manifest requirement. So unless we want to go out and
9 buy a computer system for some other portion of the
10 program, we've only spoken to the FSR requirement in
11 terms of the manifest portion.

12 BOARD MEMBER JONES: And that almost has to run
13 concurrent.

14 MR. LEARY: There's a lot of things -- let me
15 use that as segue.

16 (Laughter)

17 BOARD MEMBER EATON: Got enough feedback
18 obviously.

19 MR. LEARY: It's not anything, as you said, we
20 didn't expect to hear. It gets a little overwhelming
21 sometimes.

22 We have regulations to develop to implement 876.
23 We've thought about approaching the regulation
24 development in two phases. Phase one is basically the
25 Board has considered in the last year or so a number of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 different regulatory packages from the tire program, but
2 we've held off on furthering their development while 876
3 went through the legislature. It's maybe time to
4 resurrect those various regulatory packages, review
5 their -- how they reflect 876, and bring them back before
6 the Board.

7 We're proposing drafting revisions in February
8 and possibly the Board adopting them in July and making
9 them effective in September 2001.

10 As part of phase two -- let's talk about the
11 regulations we need to implement 876, regulations like
12 the new manifest program. The statute provides some
13 direction in developing the new manifest program, but
14 both the manual and the electronic submittal will
15 require, we think, regulation. We could draft those
16 maybe in the summer, seek Board approval in the fall and
17 maybe submit them to OAL and have the OAL process
18 completed in September 2002. You'll see both -- I think
19 this whole regulatory package is part of a later agenda
20 item in the rulemaking calendar.

21 The waste tire enforcement program will be an
22 important component of our future. We want to increase
23 the frequency of inspections of waste tire sites. And I
24 think as part of the direction from 876 that Board Member
25 Eaton was talking about, we need to expand the scope and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 increase the funding for local waste tire enforcement
2 activities.

3 Do we want to try to get that in place while
4 we're developing the five-year plan? We want to have
5 something hitting the ground, running shortly after the
6 start of the new fiscal year. If we do, we need to
7 consider bringing criteria for Board approval soon, maybe
8 as soon as March, maybe allow the local enforcement grant
9 applications to come in through the early summer and
10 award the grants in August and September and start that
11 ball rolling.

12 BOARD MEMBER EATON: I think we have to some
13 degree too, Mark -- and I appreciate it -- but we are a
14 bureaucracy, but let's not think we are a bureaucracy.
15 Let's fool ourselves for once, if we can. And by that I
16 mean it goes through the one section of the Bill and it
17 talks about that additionally the plan shall describe
18 each program's element of effectiveness based upon
19 performance measures developed by the Board including but
20 not limited to the following: Enforcement and regulation
21 related to the storage of waste and used tires.

22 Why should you, as a department head, be
23 required to come up with those enforcement provisions.

24 Kathryn, I do like you, but what I'm going to
25 say -- why not sub that work out to our enforcement arm

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 concurrently? You want to talk about how you get the
2 five-year plan together in time, that's why we sold it.
3 They said when we were asked the question by Cardoza's
4 committee on Westley two occasions, how many people do
5 you have working in enforcement, I can't remember what
6 the response was. How many did you tell them?

7 BOARD MEMBER JONES: Five.

8 BOARD MEMBER EATON: And they said well, you
9 need more. There's your plan right there. Maybe she
10 needs six. Maybe she needs eight. I don't know. Maybe
11 you need 15. I don't know, but if you do it all as a
12 bureaucracy, we're never going to get there. That's kind
13 of what the Chair was talking about as she's trying to
14 assign us different tasks on a lot of stuff too.

15 You've got to look at each one of these chunks
16 and say is there someone in our bureaucracy that can take
17 a chunk of this and then bring it together and they can
18 have their stakeholder meetings and maybe one of us Board
19 Members will go to that.

20 If you just go in a linear, well, we did A, step
21 B and step C, you're never going to get to the promised
22 land. You're going to go bankrupt and you've got to go
23 through each one of those.

24 The market development new technology activities
25 used for tires and waste is our markets people. What is

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 it? Now, it's going to come before the Board for
2 agreement, but the performance standards would be -- I
3 mean for enforcement is that we want to go and eradicate
4 every non-licensed waste tire hauler by the year 2004 and
5 in order to do that we need \$6 million each year to do
6 that. I don't know. I'm just speaking hypothetically.

7 But that's the performance-based. Don't get
8 caught in this sort of stuff that we have to do for the
9 philosopher kings over there on this other performance
10 environmental indicator. The legislature and the
11 Governor are looking for solid evidence that says if you
12 say you want to clean up a hundred sites by the year
13 2005, you've cleaned it up.

14 That way they can go back to their
15 constituencies and the public, both the Governor and the
16 legislature, and say we came to you, we asked for money
17 for these projects, you've delivered, you've cleaned up
18 those projects. That's performance. It's not pie in the
19 sky philosopher economic indicator that you can't judge.
20 Let's go back to the basics and say what is it we can do.

21 You already know the illegal sites. You already
22 know who the banditos are out there. Set those as your
23 performance. Do something you can accomplish and then
24 provide them with an opportunity to crow about it.

25 I didn't hear any volunteers by the way.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. LEARY: You must understand looking for
2 recruits, it helps a lot to have Board Member support as
3 we shop around and make this a team project.

4 What you're saying -- in responding to what
5 you're saying, Mr. Eaton, it's music to our ears in a
6 sense that we want your support in proposing an ambitious
7 program and we understand completely that it's going to
8 involve a Board-wide effort. I don't know that either
9 Martha or I or any of the staff had any dream of running
10 this thing on our own and I appreciate your support in
11 getting the rest of the Board involved.

12 BOARD MEMBER EATON: Just one more tune. Here's
13 another one. Research directed at promoting and
14 developing alternatives to the landfill disposal of
15 tires, you should get Mr. Medina. Ask him, based on his
16 experience, what do we need to go to Caltrans with on
17 their report and tell them that they have to do X, Y and
18 Z.

19 You just simply say as part of our five-year
20 plan promoting alternatives to landfill that we're going
21 to say by year 2004 Caltrans has to use 40 percent.
22 They'll fight and scream and whatever, but you fulfilled
23 your obligation. If someone changes it during the
24 budgetary or legislative process, that's not your fault.
25 That's an easy one.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: And I think --

2 BOARD MEMBER EATON: And then your sewer line.

3 BOARD MEMBER JONES: I think that's a piece of
4 it, and I think the other piece of it is that with having
5 such a limited funding over the last however many years
6 this law has been in place, the original law, we had
7 about \$5 million a year to do cleanups of tire piles as
8 well as market development and we never, ever had the
9 opportunity to look at new technology, which you know as
10 well as anybody.

11 It would seem to me the plan needs to address
12 the opportunities or a system that would be set up to
13 review, whether it's peer review or some kind of a
14 review, of potential new technologies that could end up
15 being a viable option for tire markets.

16 That's the one thing that we've never really
17 been able to do. We had to deal with the four or five
18 that we knew would give us results, which would be
19 rubberized asphalt, engineered uses, those types of
20 things, rubber mats, crumbing for different things.

21 So I think this gives us a great opportunity to
22 discuss and maybe -- and I think that this would work
23 where we would set up a protocol and have dollars
24 identified that could be used for the testing and then
25 dollars that could be identified as potential future

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 allocations dependent upon it going through those steps.
2 I think that would show the -- obviously we get to the
3 heart of the issue, finding more markets for these tires
4 than the four or five that we have. Those are the things
5 that need to be developed along with the existing issues.

6 BOARD MEMBER EATON: I also think you can be
7 very conservative at least in your initial five-year plan
8 because what is the other requirement of the five-year
9 plan? That it must be updated every two years; correct?

10 MR. LEARY: Right.

11 BOARD MEMBER EATON: In six months I don't
12 believe we're going to know exactly how much money gets
13 into that pool. That is far too short a time to know how
14 many tires are going there. Ms. Jordan and her staff
15 worked very hard last year to come up with some estimates
16 that we were justified on. We don't know what the
17 economy is or anything.

18 So you should base it conservatively on what you
19 think might be the estimates based upon the first couple
20 of months coming in and then ask for additional authority
21 to spend more if more comes in on the following projects
22 and they are A, B, C, D, E and F. So that just rings the
23 bell that if you get more money and don't have to go back
24 and ask them again, it's right there.

25 Maybe in the cleanup area you say we've got 30

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 sites we want to clean up and we're conservative, but if
2 more money comes in we've got an extra 20, that if that's
3 okay it triggers the fact you can go and get the 20
4 without getting the additional monies.

5 Everyone understands that, but you can require
6 them to go to Ms. Jordan, getting you involved -- I'm
7 getting your volunteers here -- to basically try and go
8 back and track over the last several years what has been
9 the sale or income for the months of January, February,
10 March and April as it relates to tires. Maybe there's a
11 consistency in that maybe people buy tires in January. I
12 would think so because of snow tires. Or December or
13 maybe for holidays. Maybe because there's a recall out
14 there and we get a little spike.

15 But I think that's non-bureaucratic way of
16 thinking about it. It's very common sense. It's how
17 would you treat your life and your budget given what you
18 have.

19 MR. LEARY: In the remediation program we
20 currently have two state remediation contracts, as we've
21 already discussed, Norcal and Sukut. We need to think
22 further as part of the five-year plan and then beyond how
23 do we amplify that program, those remediation efforts
24 through possibly additional, possibly regional contracts,
25 a whole number of ideas that we need to talk through.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 And that would be a great subject for one of our first
2 stakeholder meetings.

3 Additionally, SB 876 provides for local
4 government cleanup grants. The local governments have
5 often responded to us in the past that they would be
6 anxious to help us but they need a secure, steady source
7 of funding to help out in the cleanup area as well as the
8 enforcement area. I think one of the important
9 provisions of 876 is it potentially provides that steady
10 stream of funding.

11 In the research area we just touched on, the
12 Board can sponsor research. We can develop proposals for
13 research categories such as new product development,
14 energy recovery, environmental affects of waste tire
15 management practices, longer lasting tires, any number of
16 areas.

17 In addition, as you just mentioned, Mr. Eaton,
18 is the Caltrans reporting requirement. They have a
19 requirement to report to the legislature and to us by
20 January 1st of each year the use of tires in
21 transportation projects. And then further in the Air
22 Resources Board arena, there's a requirement that they
23 report each year of the affect of emissions or the total
24 number of emissions from tire combustion projects and how
25 that may affect our research efforts.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: I don't want to interrupt
2 you and I don't want to obviously speak forever, but do
3 we have any alternatives to Sukut and Norcal? The reason
4 why I ask that question -- and I don't know. This is not
5 a California-only business provision in the Bill, but one
6 of the issues that was raised is do we have the
7 engineering capability in these two firms to spend the
8 \$6.5 million. Have we asked that question of those
9 contractors? Not that they get the contract for that
10 amount, but can they spend that amount. Do they have --
11 if you make widgets and your capacity to make widgets is
12 only a hundred and your order is a thousand, who makes up
13 the 900? I think that's part of the five-year plan, do
14 we have to go and seek other contractors in order to get
15 the job done within the five years that the money is
16 available. Have we asked that question?

17 MR. LEARY: No, we haven't. That would be part
18 of our --

19 BOARD MEMBER EATON: I think that would be a
20 good place to start just with our own contractors is what
21 can they handle, what kind of production can they handle.
22 And they're going to come and tell you well, it depends
23 upon the job, if it's very deep. But those are the
24 discussions.

25 MR. LEARY: But I probably shouldn't read from

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 your comments that you are predisposed to continue to use
2 those two contracts.

3 BOARD MEMBER EATON: Absolutely not. I'm just
4 saying if two can handle it, great. But the testimony
5 during all the hearings was we need more. They can't
6 handle it. I mean that's all I'm saying. I'm not trying
7 to eliminate contractors. I'm trying to figure out that
8 we have a problem, we have a benefit that basically the
9 legislature has entrusted us with money and the Governor
10 has confirmed it, but he wants results and they want
11 results. And the fact that we can't go out and find
12 contractors to do the business is a problem.

13 MS. GILDART: If I could offer a suggestion, one
14 of the reasons we're wanting to expand and increase the
15 local cleanup contract program is that for the smaller
16 scale cleanups the locals know the contractors, they know
17 the area, they know who's available. They can go out
18 under our grant program and contract for these cleanups.

19 So I would say that the pool of contractors that
20 would be bidding on these projects would be much larger
21 with an enhanced grant program.

22 BOARD MEMBER EATON: And they will have
23 performance standards as well. I agree. I'm just saying
24 that's the kinds of things you have to do to develop the
25 plan to make it solid, defensible and more importantly to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 perform.

2 MS. FISH: Madam Chair.

3 CHAIR MOULTON-PATTERSON: Yes, Ms. Fish.

4 MS. FISH: May I make a suggestion?

5 CHAIR MOULTON-PATTERSON: Yes.

6 MS. FISH: We spent an entire year working on
7 this Bill. We knew the costs that we needed to justify
8 and to fund. And our fiscal staff, our legal staff and
9 our programmatic staff worked hours and hours and hours
10 putting numbers to the things that we needed to do.

11 We took that information as justification to the
12 Bill, created a budget change proposal, that for whatever
13 the reason -- and I'm probably getting on the edge
14 here -- may or may not have been accepted.

15 We have all of that detail, all of that work and
16 all of those dollars. I would submit that with Members
17 selected from this Board we put together a group to put
18 together a broadly defined plan on how to move forward
19 most expeditiously. Invite stakeholder input at the
20 meetings that we will have to discuss this plan. So it
21 will be a Board, meaning Board staff, Board Member driven
22 plan, but then invite stakeholder input because it will
23 be critical that we put together a broadly defined plan
24 that the legislature can understand and then attach a
25 finance letter to it.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 That will only be a first-point-in-time document
2 because then we will need to go forward to define it,
3 attach additional resources, request positions from our
4 control agencies, and that will all happen beginning in
5 the spring when we start another budget process.

6 So before we spend too much more time here,
7 that's what I would submit that would move us forward as
8 quickly as possible, which is where we need to go.

9 CHAIR MOULTON-PATTERSON: And I hear Mr. Eaton
10 saying that we need to work through on this immediately
11 because of the budget hearing.

12 MS. FISH: Absolutely.

13 CHAIR MOULTON-PATTERSON: Mr. Eaton and
14 Mr. Paparian, would you be willing to serve on that?

15 BOARD MEMBER EATON: Absolutely.

16 CHAIR MOULTON-PATTERSON: Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Yes, I would be, and I
18 wonder if Mr. Jones would be willing as well.

19 CHAIR MOULTON-PATTERSON: Can we have three
20 or --

21 MS. TOBIAS: You have two choices. You can
22 either set up a committee and then you could have
23 three -- those would be publicly noticed meetings -- or
24 you can have two on an ad hoc committee which doesn't
25 have to be noticed.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Certainly we would
2 like Mr. Jones's involvement if we --

3 BOARD MEMBER JONES: I'll work on it.

4 BOARD MEMBER PAPARIAN: I don't see a reason not
5 to have a committee.

6 CHAIR MOULTON-PATTERSON: That sounds really
7 good to me. And we do have a number of speakers that
8 want to speak today on this. So if you would be willing,
9 that would be great.

10 MR. LEARY: Thank you.

11 CHAIR MOULTON-PATTERSON: I didn't mean to cut
12 off your presentation.

13 MR. LEARY: No, no. I was near the last slide
14 and I think we --

15 (Laughter)

16 CHAIR MOULTON-PATTERSON: I wanted to give you
17 time for some closure.

18 MR. LEARY: I've got a lot of feedback. Martha
19 was taking copious notes. I think Karin's is dead-on in
20 the sense that we can bring this together rather quickly
21 based on what we've had, but the direction we've gotten

22 today in terms of stakeholder input and some of the
23 things to work with are going to be very help.

24 CHAIR MOULTON-PATTERSON: Great. We realize
25 this is a big, big job. Thank you. And we're very

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 anxious to hear from the public. We'll start with Gerry
2 de Roco. I guess he's not here.

3 MS. WILLD-WAGNER: Actually, he was unable to
4 return.

5 BOARD MEMBER EATON: I think he got his loan
6 and left; didn't he?

7 (Laughter)

8 MS. WILLD-WAGNER: He was unable to return
9 today. He left some brochures to hand out to the Board
10 Members to show the affect of our amnesty day grants
11 program. Glenn County was recipient of an amnesty day
12 grant program a couple of years ago where not only do
13 they allow people to bring tires for free disposal, they
14 provide public education materials. And one of the
15 things they've done is a brochure I think would address
16 Member Paparian's interest on how to prolong the life of
17 the tire through proper maintenance of the tire. And he
18 just wanted to make sure everyone got that to see the
19 good work our grant dollars are doing.

20 CHAIR MOULTON-PATTERSON: Thank you.

21 Mr. Singh.

22 MR. SINGH: Board Members, I've been here once
23 or twice before, and every time I come people can't
24 pronounce my name. I think I'm going to have to change
25 it to Jones. It might be easier.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 (Laughter)

2 CHAIR MOULTON-PATTERSON: Could you pronounce it
3 please for me?

4 MR. SINGH: It's Kirpal, K-i-r-p-a-l.

5 CHAIR MOULTON-PATTERSON: Oh.

6 MR. SINGH: Last one is Singh like you sing, but
7 with an H at the end. Without the H is a Chinese name.
8 With the H is an Indian name. There's a slight
9 difference there.

10 It's been a very long time until somebody said
11 let there be light and there was light, a reference in
12 the Bible. Since then we have acquired a few thousand
13 people who think they are replacing God and sit in every
14 tower, pass along. Nobody follows it. It's quite
15 obvious what happened in Westley and a few other places.
16 Even when you lower to 65 miles an hour nobody follows.

17 My years of interest are strictly technical. I
18 find the navigation within a state organization rather
19 difficult. So I'm here to ask for advice and help to
20 help me navigate my work through the state bodies.

21 I want to work on remediation of aftermath of
22 tire fires. I got involved in tires about ten years ago
23 when Mayor Bradley got me involved in it. And the second
24 thing I would like to do a little later, a few months
25 down the road is see what we can do with the Modesto tire

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 facility. It's been in a few hands and as I understand
2 it's now shut down. It can be upgraded and it can be put
3 back to work.

4 So my request is fairly brief. I need somebody
5 to help me work through and present my ideas, even
6 through a working committee or I just met the lady today.
7 There are technical ways of getting rid of your tires or
8 your tire burns the oil rather than digging a hole here
9 and putting it in somebody else's hole. That doesn't
10 really get rid of the tire problem.

11 Mr. Jones said technology. There is technology.
12 You can remediate the tire fire affects right on site,
13 but nobody wants to talk about it. Every time I find
14 somebody in the state to talk to, he gets another job and
15 leaves so I have to start all over again. And then they
16 move their whole office and I can't even get their
17 telephones straight.

18 (Laughter)

19 CHAIR MOULTON-PATTERSON: Neither can we.

20 MR. SINGH: So my simple request is I'd like to
21 meet somebody or be a part of some working group where I
22 can give my input, basically technical only, no politics,
23 no proposal writing, just solve the engineering problem.

24 CHAIR MOULTON-PATTERSON: Thank you.

25 MR. SINGH: Thank you.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: We would certainly
2 like to have you involved in our working group.
3 Mr. Leary, can you let him know?

4 MR. LEARY: We have his card.

5 CHAIR MOULTON-PATTERSON: Thank you for coming
6 in.

7 George Larson.

8 MR. LARSON: Madam Chair, Members, speaking on
9 behalf of Lakin Tire and on the subject of the manifest
10 system, as I worked very closely with Mr. Jones,
11 Mr. Eaton last year in the effort to try to elevate the
12 importance on behalf of my client, Lakin Tire, on the
13 implementation of the manifest system, I wanted to just
14 make just a couple comments on the staff's report, which
15 I think was an excellent job of summarizing, mapping out
16 a way to at least start this very complicated process
17 we're beginning.

18 In the staff's recommendation, I believe,
19 correct me if I'm wrong, the plan is to work on the paper
20 reporting process for the new manifest system in the year
21 2001 and then to bring in the electronic reporting system
22 in -- generally speaking I believe it said in the year
23 2002.

24 I think it's critical that these two processes
25 not be handled and managed separately. I think we would

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 create a situation where we would have to go back to base
2 one in order to retrofit a paper manifest system into an
3 electronic manifest system. So my suggestion is that we
4 at least have in mind that anything we do has to
5 ultimately provide the opportunity and the mechanism to
6 get into the electronic reporting mode.

7 I think that's -- that will provide for the
8 first time in the history of waste tire management laws
9 in California accurate data for this Board to know how
10 many tires we're dealing with in the state, what is their
11 movement, and there's other critical bits of information
12 that Mr. Jones has gone over on numerous occasions that
13 he knows or you as staff know that you need to know.

14 We as an operator in the field see the
15 opportunity to move to electronic manifesting as
16 beneficial to us too because it will provide more
17 accurate information. Mr. Eaton today has been very
18 creative, and one of the ideas he's come up with is to
19 bring the planning process or the real field work into
20 the bureaucracy.

21 And with Lakin alone we handle 12 million tires
22 a year. If we can work, and we're offering to work with
23 the Board to utilize our company to be a field
24 representative, if you will, if you chose for example to
25 out-source some of the work to figure out how this

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 manifest system should work out there, riding in our
2 trucks, as well as in here, recording information that's
3 coming in on hard wire, I think you do yourself and I
4 know you do us a definite benefit.

5 So I'd like to see -- I'd like to see that
6 implementation of this take into play the actual field
7 work that's going to be necessary to implement the system
8 and put that electronic reporting system on the highest
9 priority that you can. I know cleaning up the tire piles
10 is a priority for the legislature, but I think this is --
11 it's not in the short-term probably, but in the long-term
12 intermediate to long-term it's going to be the most
13 valuable tool you're going to get out of the changes that
14 are going to be afforded by the implementation of SB 876.

15 That's really just my suggestions for today.

16 BOARD MEMBER JONES: Madam Chair.

17 CHAIR MOULTON-PATTERSON: Thank you.

18 Mr. Jones.

19 BOARD MEMBER JONES: Just so Mr. Larson knows
20 because I don't know that we've had the discussion, the
21 reason I keep asking about this feasibility study is that
22 Mark and Martha, as well as Gary, AK, and Doug and others
23 and myself have been working on how all these pieces
24 could fit together. And it's clear that while we have to
25 have a paper manifest system, there's an awful lot of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 benefit to having an electronic one.

2 So those issues we're trying to grapple with
3 internally first as to what are the things we need to
4 look at. They've been addressed because then at the next
5 stage we'll bring in the Lakins and the TTRs and the
6 other ones to get their needs assessments, but I just
7 want to assure you that Mr. Leary and Doug and Gary and
8 Martha and I already think that we may be a lot more
9 cost-effective in doing the electronic one and doing them
10 both together because there is a savings.

11 If we can design this thing so it works for
12 everybody, with your input, then when we end up going to
13 whoever they've got to go to with this feasibility study,
14 those issues are going to be in place. And you will be
15 involved, your company will be involved, and I think that
16 was going to happen in the next few weeks, but I just
17 wanted you to be aware that --

18 MR. LARSON: Thank you very much.

19 CHAIR MOULTON-PATTERSON: Thank you, Mr. Larson.

20 Last speaker is he Denton Hoeh. I'm not having
21 a good day on names.

22 MR. HOEH: Good afternoon. It's Denton Hoeh
23 from Stanislaus County Department of Environmental
24 Resources, and I'll be very brief.

25 We wanted to make sure that you knew that we

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 supported the staff's efforts in developing these plans
2 and also evaluating and handling large and unique cleanup
3 activities. We also look forward to helping and giving
4 input whenever it's appropriate. We also support the
5 Board's staff in assuring that funds for cleanup projects
6 are made available for local agencies as well as for
7 large-scale projects as we've seen in the past.

8 Also, we believe that the procedure for granting
9 these funds should be flexible so that when jurisdictions
10 have either a unique problem or special circumstances,
11 that that can be considered as well.

12 Finally, I would like to just thank staff for
13 their availability and the help in answering phone calls
14 and questions to local jurisdictions.

15 Thank you.

16 CHAIR MOULTON-PATTERSON: Thank you very much,
17 Mr. Hoeh. Thank you.

18 Any final comments?

19 BOARD MEMBER PAPARIAN: Just a --

20 CHAIR MOULTON-PATTERSON: Mr. Paparian.

21 BOARD MEMBER PAPARIAN: Just a quick one.

22 One of the areas that I'm going to be interested
23 in is what we can do to extend the life of existing
24 tires, and one of the ways I think we can accomplish some
25 of that at least is through some of the state procurement

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and recycling programs.

2 I'll be working with the staff and perhaps some
3 of the stakeholders on how we might accomplish setting
4 some standards for the types of tires that maybe could be
5 used on public vehicles and maybe what we could do to
6 publicize the information that we find in a way that
7 might be useful to other fleet owners.

8 CHAIR MOULTON-PATTERSON: Thank you,
9 Mr. Paparian. Okay.

10 Thank you, Mr. Leary and Martha Gildart.

11 Waste Prevention and Market Development, Item
12 17.

13 MS. WOHL: Good afternoon, Madam Chair and Board
14 Members. My name is Patty Wohl, Deputy Director, Waste
15 Prevention and Market Development Division.

16 We have four items this afternoon, and depending
17 on the preference of the Board, we could have a brief
18 presentation or we can just entertain questions as we go
19 through given our time.

20 CHAIR MOULTON-PATTERSON: Is it very brief?

21 MS. WOHL: Yeah. They're brief, but either way.

22 So Item Number 17, consideration of approval of
23 the Recycling Market Development Revolving Loan Program
24 application from Modesto Sand and Gravel Products Inc.,
25 and just to give you an update, the Board has approved

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 nine loans this fiscal year totaling approximately \$6.4
2 million, and if this loan is approved there will remain
3 \$3.2 million for loans this year.

4 Barbara VanGee will give a brief presentation.

5 MS. VAN GEE: Good afternoon, Madam Chair and
6 Board Members. I'm Barbara VanGee, Loan Officer with the
7 RMDZ loan program. I'm presenting agenda Item 17 which
8 presents for approval the Modesto Sand and Gravel
9 Products, Inc. application to the RMDZ Revolving Loan
10 Program.

11 Modesto is requesting \$328,500 to purchase
12 equipment and refinance onerous debt. The project is
13 located in the Stanislaus County Recycling Market
14 Development Zone. The loan was approved by loan
15 committee on December 7th without any changes or
16 conditions.

17 Additionally, Resolution 2000-486 has the wrong
18 dollar amount. It should be in the amount of \$328,500.

19 BOARD MEMBER JONES: Say it again. \$328,500.

20 MS. VAN GEE: \$328,500, and I'm happy to answer
21 any questions you may have.

22 CHAIR MOULTON-PATTERSON: Any questions?

23 Mr. Jones.

24 BOARD MEMBER JONES: Madam Chair, I'll move
25 adoption of Resolution 2000-486, consideration of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 approval of a Recycling Market Development Loan Program
2 application for Modesto Sand and Gravel Products in the
3 amount of \$328,500.

4 BOARD MEMBER MEDINA: Second.

5 CHAIR MOULTON-PATTERSON: Motion by Mr. Jones,
6 seconded by Mr. Medina.

7 Please call the roll.

8 BOARD SECRETARY: Eaton.

9 BOARD MEMBER EATON: Aye.

10 BOARD SECRETARY: Jones.

11 BOARD MEMBER JONES: Aye.

12 BOARD SECRETARY: Medina.

13 BOARD MEMBER MEDINA: Aye.

14 BOARD SECRETARY: Paparian.

15 BOARD MEMBER PAPARIAN: Aye.

16 BOARD SECRETARY: Roberti.

17 BOARD MEMBER ROBERTI: Aye.

18 BOARD SECRETARY: Moulton-Patterson.

19 CHAIR MOULTON-PATTERSON: Aye.

20 Item Number 18. Thank you.

21 MS. WOHL: Agenda Item 18, consideration of a
22 report on the two western recycling investment forums and
23 approval to conduct up to two additional forums.

24 MR. KOUYOUMDJIAN: Good afternoon, Madam Chair
25 and Board Members. This agenda item seeks consideration

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 of a report on the two western investment forums and
2 approval to conduct up to two additional forums.

3 Previously the Board approved Resolution Number
4 97-436 at its September 30, 1997 meeting directing staff
5 to conduct Recycling Market Development Zone
6 manufacturing and investment forums. Subsequently the
7 Board entered into a standard agreement with the USEPA
8 for \$120,000 from the RMDZ direct loan account to fund up
9 to four investment forums with the caveat that once the
10 first two investment forums were completed a report by
11 the contractor would be prepared evaluating the first two
12 investor forums. Based on the information received, the
13 Board could then recommend funding the two additional
14 forums.

15 Attachment number one to this agenda item is the
16 report title Summary Report to the CIWMB dated November
17 10th, 2000 submitted by Materials for the Future
18 Foundation who is the subcontractor hired by USEPA.

19 This report summarizes the first two western
20 recycling investment forums that were held in California.
21 The first was in San Francisco and the second in Irvine.
22 The report provides information on the participants,
23 presenters, outcomes and successes, lessons learned,
24 obstacles and recommendations.

25 Investment forums have been one-day events

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 featuring some of the recycling industry's most promising
2 investment opportunities. The forums have been for
3 eligible recycling-based business seeking between \$50,000
4 to \$5 million in investor-based debt equity.

5 There were a total of 34 businesses that applied
6 to present at both forums. At the first forum nine
7 businesses presented out of 18 applicants. At the second
8 forum there were 16 applicants and nine were selected to
9 make presentations.

10 There were 18 presentations made to the investor
11 community. To date, five of the presenting business
12 enterprises have received equity investment as a result
13 of the western recycling investment forum. Additional
14 negotiations between presenters and the investor
15 community are ongoing.

16 Staff recommends the Board approve option number
17 one and adopt Resolution Number 2000-481 funding two
18 additional western recycling investment forums.

19 This concludes my presentation. I will be
20 answer happy to answer your questions.

21 CHAIR MOULTON-PATTERSON: Thank you. Any
22 questions?

23 Mr. Paparian.

24 BOARD MEMBER PAPARIAN: A couple of quick
25 things. One of the recommendations in the report is that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the future forums be held in direct connection with an
2 existing investor-based event.

3 MR. KOUYOUMDJIAN: That is correct.

4 BOARD MEMBER PAPARIAN: Is that what you're
5 planning to do?

6 MR. KOUYOUMDJIAN: Yes. Because we figure
7 having an existing investor-based community to piggyback
8 with them when they're doing their own investment forums
9 for other purposes we would be able to get more investors
10 into the room.

11 BOARD MEMBER PAPARIAN: I agree with that. I
12 just wanted to make sure you were going to follow up in
13 that way.

14 The other thing I noticed in the forums that
15 have been held so far, there have been some tire-related
16 business that have been participating in the forums. It
17 would seem to me perhaps appropriate when the budgets are
18 developed for the future forums to consider some portion
19 to come from the tire funds.

20 CHAIR MOULTON-PATTERSON: Thank you,
21 Mr. Paparian. Okay.

22 BOARD MEMBER JONES: Madam Chair.

23 CHAIR MOULTON-PATTERSON: Mr. Jones.

24 BOARD MEMBER JONES: I'll move adoption
25 Resolution 2000-481, consideration of a report on the two

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 western recycling investment forums and approval to
2 conduct up to two additional forums.

3 CHAIR MOULTON-PATTERSON: I'll second that.

4 We have a motion by Mr. Jones, seconded by
5 Moulton-Patterson.

6 Please call the roll.

7 BOARD SECRETARY: Eaton.

8 BOARD MEMBER EATON: Aye.

9 BOARD SECRETARY: Jones.

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY: Medina.

12 BOARD MEMBER MEDINA: Aye.

13 BOARD SECRETARY: Paparian.

14 BOARD MEMBER PAPARIAN: Aye.

15 BOARD SECRETARY: Roberti.

16 BOARD MEMBER ROBERTI: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 CHAIR MOULTON-PATTERSON: Aye.

19 Did we say that was Resolution 2000-481?

20 Number 20. Thank you.

21 MS. WOHL: Agenda Item 20, consideration of
22 approval of California State University Sacramento
23 Foundation as contractor for the 2001 conversion
24 technologies for municipal residuals forum, fiscal year
25 2000/2001, Contract Concept 39.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Fernando Berton will present.

2 MR. BERTON: Good afternoon, Madam Chair and
3 Members of the Board.

4 This item is asking for Board approval of CSU
5 Sacramento Foundation as the contractor for a conversion
6 technologies -- what we're titling conversion
7 technologies for municipal residuals forum.

8 The general goals of this forum are to evaluate
9 the potential for developing conversion technologies in
10 California and also to identify issues and barriers for
11 the development of these conversion technologies. These
12 issues and barriers include, but are not necessarily
13 limited to, technical permitting, funding, legislative
14 and policy issues. We also would hope that out of this
15 forum recommendations would be developed for policy maker
16 edification.

17 Staff would also prepare a background paper
18 in -- prior to the forum so that the potential attendees
19 would all be at the same level in terms of information.
20 We would also have multi-agency participation in the
21 forum which will include representatives from the Air
22 Resources Board, California Energy Commission, California
23 Department of Forestry, the Trade and Commerce Agency,
24 and the Department of Food and Ag.

25 CSU Foundation would perform all the logistical

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 duties for the forum per the statement -- the scope of
2 work that was approved yesterday on the consent calendar.
3 The Foundation's conference and training services provide
4 a full range of services for conferences including
5 registration services, facility research and negotiation,
6 program guide development, et cetera. We would hope to
7 have the forum held sometime mid-2001.

8 With that, staff recommends Board approval of
9 option one and adoption of Resolution 2000-483.

10 CHAIR MOULTON-PATTERSON: Thank you. Any
11 questions? Mr. Medina.

12 Did you have a question, Mr. Jones?

13 BOARD MEMBER JONES: That's okay.

14 CHAIR MOULTON-PATTERSON: Mr. Medina.

15 BOARD MEMBER MEDINA: If there are no
16 objections, I just wanted to move Resolution 2000-482,
17 approval of scope of work for the 2001 conversion
18 technologies for municipal residuals forum and
19 consideration of approval of redirection of fiscal year
20 1999-2000 Contract Concept Number 26 funding, fiscal year
21 2000/2001 Contract Concept 39.

22 CHAIR MOULTON-PATTERSON: Thank you. So it was
23 Resolution 2000-483.

24 BOARD MEMBER ROBERTI: Where do we anticipate
25 holding this forum?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. BERTON: Where? We would hope or we would
2 seek some input but we were looking at Sacramento, to
3 hold the forum in Sacramento.

4 BOARD MEMBER ROBERTI: When?

5 MR. BERTON: When? I'm sorry. At the earliest
6 possible, May of 2001.

7 CHAIR MOULTON-PATTERSON: Okay. We have --

8 BOARD MEMBER MEDINA: 482 or 483?

9 CHAIR MOULTON-PATTERSON: It's 483. Questions,
10 Mr. Jones, and I'll second the motion.

11 BOARD MEMBER JONES: The -- it could be sooner
12 than May? I think what we have to do is look at the
13 timing of what the outcomes could be from this. So I
14 think if it can be done sooner, that would allow enough
15 discussion and outcomes to deal with what the outcomes
16 may be, what some of the possible outcomes could be
17 legislatively, and I just would want to suggest that the
18 conversion technology forum that was held down in Santa
19 Barbara about a year ago, that there would be -- there is
20 a list -- in fact, I think I gave you all my working
21 papers from that -- but there is a list of some heavy
22 hitters that can bring an awful lot of vision into this
23 discussion. So I would hope that we would use that as
24 part of the base.

25 MR. BERTON: We would.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Thank you.

2 So we have a motion by Mr. Medina, seconded by
3 Moulton-Patterson, to approve Resolution 2000-483.

4 Please call the roll. Substitute the previous
5 roll call seeing no objections. It saves typing.

6 BOARD MEMBER EATON: Absolutely. I just was
7 going to thank Mr. Levinson for his oratory skills in
8 begging.

9 CHAIR MOULTON-PATTERSON: Okay.

10 MS. WOHL: Agenda Item 21.

11 CHAIR MOULTON-PATTERSON: 21, yes. Thanks.

12 MS. WOHL: Consideration of approval of the
13 proposed scoring criteria and evaluation process of for
14 the fiscal year 2000/2001 reuse assistance grants. Sarah
15 Weimer will present.

16 MS. WEIMER: Good afternoon, Madam chair and
17 Members of the Board. My name is Sarah Weimer. I'm with
18 the Waste Prevention Market Development Division.

19 This agenda item is for consideration of
20 approval of the proposed scoring criteria and evaluation
21 process for the fiscal year 2000/2001 cycle of reuse
22 assistance grants. The general review criteria consists
23 of the standard review criteria already approved by the
24 Board weighted heavily on need for the proposed projects.
25 Also included in the general review criteria is a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 criterion for a green procurement policy and a
2 sustainable practices policy such as grasscycling,
3 composting and water-efficient landscaping.

4 There are a maximum of 125 points possible
5 including 25 preference criteria points. The preference
6 criteria areas include reusing key priority wastes such
7 as organics, construction demolition materials,
8 electronics, and materials intended for use in an
9 educational setting. The second is the expansion of
10 existing materials -- existing programs to include the
11 diversion of additional materials or product types. The
12 third is project set will be highly visible and
13 educational, the fourth is the benefitting educational or
14 non-profit organizations. And lastly, providing
15 vocational or job skilled training through the project.

16 On December 15th, 2000, program staff will send
17 a Notice of Funds Available to over 6,200 people
18 statewide. The Notice of Funds Available will also be
19 available on our web site. The proposed due date for the
20 applications is March 9th, 2001. Once the applications
21 are received, program staff will convene panels
22 consisting of appropriate Board staff.

23 This proposal will utilize up to \$250,000 of
24 fiscal year 2000/2001 IWMA funds. Staff recommends that
25 the Board direct staff to use the proposed evaluation and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 scoring criteria to evaluate and rank applications for
2 the second cycle of the reuse assistance grants and bring
3 the resulting list and ranked applications back to the
4 Board for award.

5 Are there any questions I can answer?

6 CHAIR MOULTON-PATTERSON: Thank you. Okay. Do
7 we have --

8 BOARD MEMBER ROBERTI: I will make the motion to
9 move 2000-484.

10 CHAIR MOULTON-PATTERSON: We have a motion by
11 Senator Roberti.

12 BOARD MEMBER PAPARIAN: Second.

13 CHAIR MOULTON-PATTERSON: And a second by
14 Mr. Paparian for Resolution 2000-484.

15 Please substitute the previous roll call. Thank
16 you.

17 MS. WEIMER: Thank you.

18 CHAIR MOULTON-PATTERSON: Okay. Thank you very
19 much.

20 Mr. Schiavo. Item 23.

21 Before we begin, on this item our staff is
22 recommending one of the colleges in the Orange County
23 Community College District receive a grant. Two others
24 in the district applied as well. As some of you may
25 know, my husband is an elected trustee for that district.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 As a result, under the provisions of Government Code
2 Sections 1090 and 1091 I might be considered to have a
3 remote interest in this decision. Therefore, in order to
4 avoid the possibility of a conflict of interest I have
5 been abstaining from participating in and will be
6 abstaining from voting on this decision.

7 I ask that my statement be noted in the Board's
8 official record for this meeting. And if either
9 Mr. Jones or Mr. Medina would be kind enough to take
10 over. Mr. Medina, would you mind? Thank you very much.

11 MR. SCHIAVO: Item Number 23 is consideration of
12 approval of fiscal year 1999/2000 state agency and large
13 state facility waste diversion and recycling grants, and
14 Phil Moralez will be making this presentation.

15 MR. MORALEZ: Board Members, for the record my
16 name is Phil Moralez, the Branch Manager for the state
17 and local assistance grants.

18 Just a brief overview of the action taken by the
19 Board on October 20th, 1999, the Board allocated \$500,000
20 for grants to be used for state recycling and
21 implementation of AB 75. On February 23rd-24th board
22 meeting of 2000, the Board adopted the scoring criteria
23 which has been used on all the grant cycles here at the
24 Board, and on September 19th-20th board meeting 2000 the
25 Board also awarded an additional \$100,000 for diversion

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 grants for this program.

2 However, on April 18th, 2000, they did redirect
3 \$30,000 of the \$500,000 for a different program bringing
4 the total to \$570,000 available in grant funds. A NOFA
5 order was sent out by the Board staff for seeking
6 applications. 58 applications were received, total
7 amount requested \$1,793,460. Funds available is noted as
8 \$570,000. Number of grants that staff is proposing to
9 funds who met the scoring criteria are 25 in the amount
10 of \$550,000.

11 If you look at your attachments, you'll note
12 that we did round up the figures in regards to the grant
13 amounts. The purpose for that of course was one, the
14 process has been lengthy in both getting the IWMPs from
15 the state agencies as well as in awarding the grants, so
16 we rounded up for the purposes of more or less to cover
17 increased costs that many of these grantees will be
18 assuming as a result of the length of time.

19 That concludes staff's presentation. If there's
20 any questions, I would be glad to answer them.

21 BOARD MEMBER MEDINA: Any questions?

22 BOARD MEMBER EATON: I have a couple of
23 questions.

24 Mr. Morales, perhaps you can help me out. My
25 understanding is that these grants are supposed to go to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 state agencies and large state facilities for their waste
2 diversion and so on and so forth, and part of that whole
3 scheme and part of this program was to help those
4 jurisdictions that had a large impact by state
5 facilities.

6 MR. MORALEZ: That was one.

7 BOARD MEMBER EATON: Wouldn't that be the
8 theoretical and the practical approach to this?

9 MR. MORALEZ: That's correct.

10 BOARD MEMBER EATON: Could you explain to me
11 then why on the average each of the jurisdictions that
12 received a grant are 41 percent, 37 percent, 63 percent,
13 65 percent, 44 percent, 46 percent. The only one that is
14 in 15 percent or below is the Ironwood State Prison at 13
15 percent.

16 Are we doing something wrong in not advertising
17 this program because here is a great program and you have
18 Ms. Hunter who's out in the audience who comes here
19 consistently with her local government types and they
20 keep telling us that there's this large impact by state
21 agencies. And yet when we have the opportunity to help
22 her and to help those agencies and help the state get in
23 there, all we're doing is going out and giving to those
24 jurisdictions which have high diversion rates. I don't
25 understand this. Help me. Explain that.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. MORALEZ: The criteria for the grant process
2 just required that they have an IWMP. There was no
3 criteria in relationship to what their diversion rate
4 was. So the evaluation team looking at the grants looked
5 at from the standpoint of do they have an IWMP on file
6 with us and that was -- their diversion rate was not a
7 factor in that criteria.

8 I agree with you a lot of these have large
9 diversion rates. Again looking at their numbers, many of
10 them are just that, their numbers, and we have not had a
11 chance in full detail to look at some of those.

12 What our experience has been, Mr. Eaton, from
13 staff is that a lot of state facilities are in fact doing
14 a good job of recycling and there are a lot others that
15 need greater prodding.

16 BOARD MEMBER EATON: That sort of conflicts with
17 what Ms. Hunter was saying, I think; isn't it? I'm
18 looking at large state facilities that impact local
19 government. I understand about the criteria. What I
20 want to have happen is for us to go out and look at those
21 local jurisdictions that are being impacted by large
22 state facilities because I do believe there's a valid
23 argument to that and that we should go out and provide
24 those state facilities with the help because I think
25 that's the key.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 My other question is we are spending \$16,000 or
2 \$25,000 on mulching mowers and another one we're
3 purchasing another mulching mower. Do we ever have the
4 ability to buy these mulching mowers in bulk so that we
5 have more money available for it? Does each local
6 jurisdiction get to go out to their local Toro dealer and
7 by the lawnmower of their choice? I'm trying to get some
8 coherency, and I'm not being facetious either,
9 Ms. Hunter. I know you're up there. I do believe that
10 there is a valid criticism of the state by not having
11 state agencies participate.

12 Yesterday, if you were here, we had the same
13 kind of situation wherein we weren't providing that kind
14 of guidance. I really would like to be able to see
15 before you even get into the criteria -- the criteria is
16 after the fact, but what do we do to go out and encourage
17 those state facilities to go out and take advantage of
18 those programs based upon their AB 75 work plan and the
19 impact there. And if the impact in the jurisdiction
20 which has 49 percent, is it the grasscycling of the state
21 facility that's impacting the local jurisdiction or is it
22 like a Caltrans that has the construction and demolition
23 which drives the numbers up?

24 That's what I'm trying to get at. That's the
25 kinds of thought process I want to take place here. So

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 it has nothing to do with the criteria. So what are we
2 going to do next year? Obviously these are up here.
3 What is it going to do next year to make sure that we
4 don't have this problem?

5 This is kind of embarrassing, don't you think,
6 that we have these wonderfully high diversion rates for
7 all of these jurisdictions. Now, maybe the jurisdictions
8 that have low diversion rates, the state agencies don't
9 want to take advantage of the programs. Then we need to
10 know that as well so we can with go after them in the AB
11 75.

12 We're connecting dots and doing cross-media. I
13 would like to see and I would ask that in addition to
14 passing this that we see some way that we're going to
15 have a marketing plan to go out and tie the loans or
16 these grants or the funds requested to those districts
17 that have -- need help and to impact, low numbers. Only
18 Ironwood prison has 13 percent. You look at all of the
19 others and they're way high.

20 MR. MORALEZ: I agree with you, Mr. Eaton. I
21 think that we need to look at those agencies.
22 Unfortunately, when you offer money to people who are --
23 for purposes of doing this, traditionally you find the
24 people who are already ahead of the ball game looking for
25 money. The people who are not interested don't bother to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 apply and they're probably the same ones that aren't
2 doing anything.

3 I would venture to say that staff's objective
4 once we've the completed the plan reviews, as
5 Mr. O'Shaughnessy mentioned yesterday, is to spend
6 January and begin developing a plan to go after those
7 agencies that either one, we do not have an adequate plan
8 or to have not submitted a plan, and they're going to
9 need to identify they need some help. We've always
10 welcomed local jurisdictions to identify to staff those
11 state agencies that aren't being supportive and are
12 impacting local jurisdictions.

13 I'll be honest with you. In all the years I've
14 been involved in Project Recycle and with this program,
15 I've yet to have anybody from a local agency call me and
16 say Phil, the EDD office is impacting our waste diversion
17 program. I would welcome that response because then
18 staff could be responsive to local government, but we
19 haven't received it.

20 Ms. Hunter has agencies in government that come
21 to us and say we know a state facility that is hurting
22 our local government jurisdiction. We want to know about
23 it. AB 75 gives us the ability to do that and we would
24 welcome that information.

25 BOARD MEMBER MEDINA: I appreciate your

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 response. However, we do have -- before we listen to
2 Mr. Jones, we do have Ms. Yvonne Hunter up who was
3 referenced.

4 MS. HUNTER: Thank you, Mr. Medina.

5 Not having had the benefit of reading the agenda
6 item I'm at a bit of a loss, but let me clarify,
7 Mr. Eaton. Where you refer to the jurisdictions getting
8 the grants, it's my understanding that the grants are
9 going to the state agency, not the local government. So
10 that is an important distinction.

11 BOARD MEMBER EATON: Correct.

12 MS. HUNTER: In addition --

13 BOARD MEMBER EATON: But the facility impacts
14 the local jurisdiction, and that's the point you've
15 always made to me and you've driven it home. What I'm
16 trying to do is get to the state facility and the state
17 facility that's in need of the most help because they say
18 they don't have the money to do this, to be able to do
19 that so that it lessens the impact on the local
20 jurisdiction.

21 MS. HUNTER: And I'm delighted that the point
22 has gelled with you. Possibly the reason that the staff
23 hasn't heard from local government about this facility or
24 that facility is they haven't been asked specifically,
25 and we would be more than happy to contact our members in

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 conjunction with the Board staff to work together to
2 identify potential state agencies in their jurisdictions
3 that they think could benefit by increasing their
4 recycling activity. We stand ready to work with you, and
5 anything we can do to help we will be happy to do so.

6 BOARD MEMBER EATON: Great. Can we get
7 Mr. Morales to report back in March as to the progress
8 and what state agencies that we could go after for
9 marketing and whether or not --

10 MS. HUNTER: Will staff just give me a call or
11 I'll call staff and we'll help you put it together.

12 BOARD MEMBER MEDINA: Thank you, Ms. Hunter.
13 And Board Member Jones.

14 BOARD MEMBER JONES: I didn't have anything,
15 but I'll be more than happy to make a motion.

16 (Laughter)

17 BOARD MEMBER JONES: I don't know how I missed
18 that. I'll move adoption.

19 BOARD MEMBER MEDINA: Before you do, you had
20 indicated you wanted to speak earlier. We do have two
21 speakers on this subject, so I did want to call on them.

22 BOARD MEMBER JONES: Appreciate it.

23 BOARD MEMBER MEDINA: John Amodio.

24 BOARD MEMBER JONES: One of our former Board
25 Members.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. AMODIO: Mr. Chairman, Members of the Board,
2 pleasure to be before you today. I have recently begun
3 serving as the coordinator of the Resources Agency waste
4 reduction committee. Today I'm here to speak on behalf
5 of the Resources Agency joint proposal.

6 I must say after listening to some of your
7 discussions on some of the higher ticket items that
8 you're trying to resolve I would be a bit embarrassed to
9 be taking a few minutes of your time on what you'll see
10 is a very modest request, except I must emphasize that
11 our request will make a very substantive, meaningful
12 difference in our ability to effectively pursue some
13 far-reaching waste reduction efforts throughout the
14 state.

15 The original Resources Agency grant request was
16 \$160,000 plus a cost sharing component. Your staff has
17 recommended a \$25,000 to the Resources Agency. We
18 appreciate their desire to fund as many qualifying
19 proposals as possible.

20 In light of the unallocated, and I'm not sure if
21 it's \$15,000 or \$20,000 in grant funds that you have,
22 however, we respectfully request the Board to grant the
23 remaining funds to support additional activities of the
24 Resources Agency.

25 Allow me to summarize four key points in our

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 request for the additional remaining funds. First, the
2 Resource Agency proposal is on behalf of multiple
3 agencies, 21 entities, 15,000 employees at hundreds of
4 sites. Indeed, in reference to Mr. Eaton's comments, we
5 operate throughout the state of California. Of the 25
6 proposals being recommended for funding by the Board,
7 ours is the only one representing statewide departments.

8 Second, our proposal appears to be the only one
9 with a significant source reduction impact, not just
10 recycling. I would particularly highlight our education
11 campaign and paper reduction component.

12 Third, our proposal emphasizes cooperation,
13 education and model programs, items 4, 5 and 6 under the
14 Board's eligible projects criteria for the grants. With
15 one exception, all the other proposals appear to be for
16 equipment only.

17 Finally, the additional funds that we're
18 requesting would provide critical equipment, educational
19 materials, and other assistance to parting promising
20 portions of the wastestream. These funds would be
21 focused not only on agency headquarter buildings in
22 Sacramento but statewide in all the jurisdictions in all
23 the jurisdictions which the Resource Agency and its 21
24 entities operate.

25 So we appreciate your consideration of this

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 request. If you would like further information or
2 clarification, I am joined today by Jim Hill who wrote
3 the coordinated grant proposal on behalf of the Resources
4 Agency and has chaired the Resources Agency waste
5 reduction committee effort until I assumed the roll just
6 last week. So it's a real pleasure to be back before
7 you.

8 BOARD MEMBER MEDINA: Thank you.

9 Mr. Paparian.

10 BOARD MEMBER PAPARIAN: John, good to see you.
11 I was curious about what happened here myself and my
12 understanding -- perhaps the staff can help explain it.
13 My understanding was there's a \$25,000 limit on
14 individual grants and that this came in as one package as
15 opposed to requests from the individual entities and that
16 was the problem here in terms of evaluating the grant.

17 Maybe the staff might want to explain that
18 further.

19 MR. MORALEZ: The grant submitted by the
20 Resource Agency was a cumulative grant in terms of all
21 the agencies combined under one, so there was no way to
22 evaluate each department as all the other independent
23 grants were done. So we saw it as one grant proposal
24 under one agency. The criteria did specifically state
25 that it would be \$25,000, the NOFA, per grant, per state

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 agency or facility. Or in a situation such as, for
2 example, the Department of Corrections or Caltrans where
3 they have multiple facilities, they could submit no more
4 than a \$75,000 total for three grants which would be
5 identified by facility.

6 For example, here we have Ironwood Prison which
7 is one of the recommendees, but let's say there were
8 three other prisons associated with that request or three
9 separate requests. Then only three of those prisons
10 could be funded individually for a collective total of
11 \$75,000.

12 Unfortunately the grant that was submitted by
13 Resources came in as one grant collective. There was no
14 way in looking at the grant for the independent -- for
15 the parties to determine that they were separate
16 facilities and not collective.

17 BOARD MEMBER PAPARIAN: Is there anything that
18 can be done about that at this point or --

19 MR. MORALEZ: Again, the scoring was done based
20 on the criteria that was there by the committee that was
21 put together in that process. There is that \$15,000
22 available. That has not been allocated out.

23 I would leave that up perhaps to Legal to
24 determine whether that could be done to add to the grant,
25 but again that's for the Board to determine and perhaps

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 for Legal to define for us.

2 BOARD MEMBER EATON: Following up on
3 Mr. Paparian's point, if that were the case and I direct
4 you, Mr. Moralez, is to attachment 2 of Agenda Item 23,
5 page 23-8, Los Angeles Community Colleges got \$3,944;
6 right? Correct?

7 MR. MORALEZ: Yes.

8 BOARD MEMBER EATON: Then tell me how Los
9 Angeles Trade Technical College, which is also part of
10 the Los Angeles Community College District, got \$25,000.
11 That would be a total of \$29,000. That would seem to go
12 against what you just told Mr. Paparian.

13 I'm not disputing that they shouldn't get the
14 money, I'm just saying they're all part of the same
15 community college district. So you can't say that
16 because they are the same school district. Aren't they,
17 Senator? Isn't Trade Tech? I believe. If so, then
18 Mr. Paparian's point is one well-taken. We've already
19 violated it.

20 MR. MORALEZ: They were separate grant requests.
21 What the NOFA said was -- let me restate this part here.
22 The CIWMB has approved \$500,000 for the grants for fiscal
23 year 1999/2000. Eligible applicants may request up to
24 \$25,000 per state agency or large state facility. State
25 agencies submitting grant applications for multiple large

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 facilities will be evaluated on a competitive basis. Due
2 to limited funds, funding may be restricted to three
3 grants per agency. So there you have a total.

4 BOARD MEMBER PAPARIAN: I --

5 MR. MORALEZ: So there you have a total -- go
6 ahead.

7 BOARD MEMBER EATON: Go ahead, Mr. Paparian.

8 BOARD MEMBER PAPARIAN: I was just going to
9 ask -- following up it looks like to me that there's
10 three or four state universities. Do we run into a
11 problem there? California State University Sacramento,
12 Humboldt State, San Jose State, Sonoma State. That's
13 four. Hayward, five.

14 MR. MORALEZ: Under AB 75, each individual
15 college is identified as a separate agency and so they
16 don't fall under the umbrella of the California State
17 University system as one agency. They fall under the
18 umbrella of each individual campus. Same with community
19 colleges with the exception of the college district which
20 often is located -- can be located on the same campus as
21 a community college.

22 So AB 75 defined each state college as an
23 independent entity, each Caltrans district as an
24 independent entity and prisons as well.

25 BOARD MEMBER PAPARIAN: So if Mr. Amodio's

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 grant had come in as one from Fish and Game, one from
2 Parks, one from Boating and Waterways, one from -- they
3 could have been eligible for 21?

4 MR. MORALEZ: They would have been eligible for
5 up to three grants under one agency. They could have
6 actually gotten one for each individual department.

7 BOARD MEMBER PAPARIAN: It would have been
8 individual.

9 MR. MORALEZ: It would have been individual.

10 BOARD MEMBER PAPARIAN: Each individual
11 department would have submitted individual AB 75 plans.

12 MR. MORALEZ: Individually it would have been
13 treated separately. They wouldn't have been treated
14 under the umbrella.

15 MR. AMODIO: If I might just comment, I wasn't
16 involved with that aspect. My understanding is --

17 BOARD MEMBER EATON: And you didn't vote on that
18 either, I don't think; did you?

19 MR. AMODIO: No, I didn't.

20 My understanding is that I think it's clearly
21 we've had some misunderstandings or confusion, but it was
22 our belief by taking a coordinated approach we could
23 achieve greater efficiencies. We could stretch the
24 dollars and make them be more effective than if three
25 different entities under the Resources Agency were

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 applying for similar functions. And so we thought we
2 were frankly doing the right thing and we feel a little
3 bit of in a catch-22 I think.

4 BOARD MEMBER EATON: So can we give him
5 additional monies? Since we gave the others, isn't that
6 the request that we're being asked? And if so the answer
7 is yes or -- based upon the fact it seems we've
8 violated -- I shouldn't say violated -- that we have not
9 exactly had a consistent standard as it's applied to
10 these. If we so desire --

11 MR. SCHIAVO: I suppose if you vote on it the
12 \$15,000 would be available and we can just treat them as
13 multiples. It's --

14 BOARD MEMBER JONES: The -- Mr. Medina.

15 BOARD MEMBER MEDINA: Mr. Jones.

16 BOARD MEMBER JONES: Let me ask a question.

17 I mean it -- is there -- would this have to go
18 out for another NOFA if there was dollars that weren't
19 spent in the other areas, if they got reallocated to this
20 item at a later date? This was funded out of RMDZ;
21 correct? We may have some shortfalls in a few areas.

22 My question would be because this agency did a
23 coordinated effect -- I don't really want to change the
24 rules, but I'm wondering if there was a misunderstanding
25 of how that NOFA should have come forward. Instead of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 one NOFA for \$180,000 or \$160,000 or whatever it was,
2 that there should have been three requests, is that --
3 would that have to go back out as another NOFA and be
4 scored or is it clarification of their existing grant
5 proposal?

6 BOARD MEMBER MEDINA: I wonder if we could come
7 back and have the criteria revised.

8 MS. FISH: Legal counsel is advising me that we
9 need to spend a little time with this item, if we can go
10 back. We're thinking that we might -- if we add money to
11 it, we might have to go back for another NOFA.

12 We need to look at the NOFA that went out to
13 clearly define how that was interpreted because I don't
14 want to recommend that we change the rules. If the NOFA
15 went out a certain way, others might have applied the way
16 Resources did, and without spending more than just the
17 couple seconds that we have here, I would prefer that we
18 have the Legal Office look at how the NOFA was originally
19 noticed, if this list is consistent with that NOFA, and
20 then if not, come back with a different proposal to the
21 board that either recommends another NOFA or says that
22 this is appropriate the way it's been defined to you.

23 MS. TOBIAS: I think a continuation would be the
24 best idea. You know, I think that it's difficult -- and
25 we have run into this on a couple of different

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 advertisements where we've gone out on these where the --
2 where there's a misunderstanding, I guess is the best way
3 to put it, about what the requirements are. And in this
4 case what I think staff is dealing with is applications
5 and when they came in on a certain application, if
6 facilities, separate facilities know they're all under

7 the state university system applied separately, they were
8 put in separately. And if they came in together, they
9 were treated as one application and that the limit was
10 \$25,000.

11 So I think what we need to do is go back, look
12 at this. The result could be anything from revising the
13 NOFA and doing maybe a very short readvertisement of this
14 to basically let people sort themselves back out and then
15 to see where the ranking comes in or to see whether we
16 can fix it or whether we recommend that you live with the
17 way this is and you can see what happens the next time.
18 Those are just the three most obvious things that come to
19 me, but I have to say at the moment I don't think we can
20 fix this up.

21 BOARD MEMBER MEDINA: How much time would we
22 require?

23 MS. TOBIAS: I think we can come back at the
24 next meeting.

25 BOARD MEMBER MEDINA: Let's continue this to the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 next meeting. Before we do so, we do have one more
2 speaker I do want to accommodate and that's Mr. Roger
3 Guzowski in regards to this item. Thank you.

4 Then after this speaker we will continue this
5 item until next month's meeting.

6 MR. GUZOWSKI: As one of the agencies or large
7 state facilities that's been awarded money under this
8 grant, I would actually encourage you to release that
9 money to us as soon as humanly possible. I think to
10 address some of the issues that have been raised here,
11 there has been some concern with all of the AB 57
12 regulations in terms of how people qualify, what's
13 included in that and I think it has raised some
14 legitimate issues.

15 However, speaking only for CSU Sacramento, the
16 money being released under this grant program is critical
17 to us expanding our recycling program at the university.
18 The grant money that we have requested is going very
19 distinctly for desk-side recycling containers and for
20 totable cardboard recycling containers.

21 Currently we have absolutely no cardboard
22 recycling program in any of our office buildings and we
23 have only a campus of roughly 2,500 staff. We have less
24 than 500 desk-side containers scattered across the entire
25 campus.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 What we have found is in the majority of our
2 buildings we have absolutely no way for staff to
3 effectively get paper from their desk to their central
4 recycling containers. I think to address some of your
5 concerns for future evaluations and future funding for

6 some of these types of programs, I think there are two
7 things that are really critical to remember with this.

8 One is that in defense of Mr. Morales and the
9 staff here, AB 75 frankly has very little enforcement
10 teeth to it. As a state agency, as a large state
11 facility, us as a school looking at this, it's been very,
12 very difficult to get administration in and of themselves

13 to fund any aspect of our recycling program.

14 And frankly I know the Board has emphasized that
15 the legislature is paying very close attention to how
16 people respond to this, but let's face it. We've all
17 been in this for a long time and the legislature, the
18 Governor and every other office wants to support
19 education, and I think very seldomly someone is going to
20 refuse grant funding for a new science building, a new
21 music building or some other great educational endeavor
22 because we're at 23 percent instead of 25 percent or 46
23 percent instead of 50 percent. Our administrators have
24 been doing this long enough that they know this.

25 Frankly, about the only way that we have to

Please note: These transcripts are not individually reviewed and approved for accuracy.

183

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 expand some of these programs and invest the capital that
2 we have to improve these programs is through this kind of
3 grant funding. I know, speaking for myself, we've been
4 sort of in limbo for close to three months now, unable to
5 improve our program while we wait to hear back on this
6 grant application. We were delayed a month while the
7 Waste Board moved offices. Now we're hearing we may be
8 waiting another month on this.

9 Right now we're in the process where we're
10 generating about 100 tons of trash out of our office
11 buildings every month and about five tons of paper and
12 cardboard total. Frankly we're embarrassed by that
13 effort and we need this kind of capital to improve that
14 program, and I think further delays are going to ensure
15 that more and more waste is being discarded into our
16 landfills which is entirely I think what this legislation
17 and what this grant funding was hoping to prevent.

18 With that, I would encourage you to release this
19 funding to the schools that have passed this application
20 as soon as possible and perhaps for the remaining funding
21 to go back out and reevaluate how some of that should be
22 readministered.

23 With that, I would like to thank you all for
24 your time. And if you have any questions, please feel
25 free to ask.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER PAPARIAN: Can I clarify with
2 counsel? The concerns you have at this point, are they
3 with the remaining \$15,000 or with all of money?

4 MS. TOBIAS: Well, I guess if I understand this
5 correctly, what I'm hearing is that at least one of the
6 applicants has basically said that they think they're
7 entitled to the minimum \$25,000 for each of their agency
8 or each of the BDOs that's on their application. If so,
9 that substantially changes, if the Board agrees to that,
10 or if we can somehow determine that there was some kind
11 of ambiguity in the NOFA that we sent out, it
12 substantially changes the amount of money that is
13 available given that the difference in that \$181,000
14 versus the \$25,000.

15 So I think what we're trying to figure out is is
16 there more money, can we add more money in, and does that
17 take away from the kind of legitimacy or credibility of
18 the initial NOFA or do you want to treat -- we'll go back
19 over the criteria, and if it appears to us that there is
20 no ambiguity and that there was a mistake in the way that
21 they applied and that they're really subject to the
22 \$25,000 limit because they didn't read the application
23 criteria correctly.

24 So it seems to me that the whole thing is in
25 question and that it probably would not work to award

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 some of them unless you want to decide right now that
2 staff's interpretation of that Resources Agency
3 application was correct; that we said one application,
4 they put in one application; we gave them the limit, the
5 amount that was called for. And you could certainly do
6 that today.

7 MR. SCHIAVO: I just want to mention again, on
8 the eligibility it does spell out clearly what a state
9 agency is, what a large state facility is. That's also
10 been consistent with workshops that we conducted
11 throughout the state defining what those entities were
12 with over 600 attendees. So that has been pretty clear.

13 The application itself, the information was
14 aggregated as though it was one application but the money
15 to be spent for multiple departments within that
16 application. So you couldn't treat it as multiple
17 applications the way it was structured.

18 So that was the difficulty that the review
19 committee had with that particular one. It came in as
20 one application. It looks like there was a
21 misunderstanding through the submittal, but the language
22 in the application and other documents is pretty clear as
23 far as what the -- distinguishing the differences between
24 those. I think the bigger issue is --

25 BOARD MEMBER MEDINA: I think because of all the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 concerns that have been raised and the things that do
2 need to be clarified, my inclination is to continue this
3 to next month. I appreciate the concerns that have been
4 raised, but I think there's a lot of things to be sorted
5 out here.

6 With that, I want to thank staff for your
7 presentation and I'd like to move on to Item Number --
8 the court reporter needs a break, so we're going to take
9 a brief break before we come back and finish the
10 remainder of the items.

11 (Brief recess taken)

12 BOARD MEMBER MEDINA: If the Board could come
13 back to order please.

14 Item Number 25.

15 MR. SCHIAVO: Item Number 25 is discussion of
16 implementation of Senate Bill 2202, requirements for
17 report to the legislature. And this is an oral
18 presentation.

19 SB 2202 deals with some process items related to
20 the annual reporting process, the biennial review
21 process, as well as some items in regards to compliance
22 order process and a report to the legislature dealing
23 with the Disposal Reporting System and some other numeric
24 issues, as well as an added language extending the 50
25 percent compliance beyond the year 2000. So it goes on

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 forever as far as the 50 percent requirement.

2 making this presentation will be Cara Morgan and
3 Lorraine Van Kekerix.

4 BOARD MEMBER MEDINA: Thank you.

5 MS. MORGAN: Cara Morgan, Office of Local
6 Assistance.

7 SB 2202 required that the Board develop a model
8 Source Reduction and Recycling Element by July 1st, 2001.
9 We hoped to bring forward the Board agenda item which
10 will be bring forward the model Source Reduction and
11 Recycling Element to the Board hopefully in April of
12 2001. We plan on sending the draft model out for comment
13 to our constituents in February, get their comments back,
14 make any final revisions, and bring it to the Board.

15 SB 2202 also required the Board to develop
16 procedures for conferring with jurisdictions on annual
17 report review and for issuing notices of intent for
18 issuing compliance orders. In developing the proposed
19 procedures, we have received feedback from our
20 stakeholders.

21 Under SB 2202 the Board is required to complete
22 a preliminary annual report review within 120 days of
23 receipt of the annual report. The Board is required to
24 develop procedures for requesting additional information
25 and for conferring with jurisdictions on their annual

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 report review. Staff are estimating or planning to bring
2 forward to the Board the annual report procedures at the
3 January board meeting.

4 In addition to the annual report review, the
5 Board is required to follow a specified schedule and to
6 confer with jurisdictions regarding compliance orders.
7 We are planning on bringing to the Board the compliance
8 order policies and procedures or proposed procedures to
9 the Board in January.

10 At this time, I'll turn it over to Lorraine who
11 will cover the review of the regulations as well as the
12 working group.

13 BOARD MEMBER MEDINA: Thank you.

14 MS. VAN KEKERIX: My name is Lorraine Van
15 Kekerix. I'm with the Waste Analysis Branch.

16 We need to take a look at SB 2202 and determine
17 whether regulations are needed. Staff has done a
18 preliminary review, which we are going to be confirming
19 with our Legal Office, and found that we do need to do
20 some simple changes to make sure that our regulations
21 conform with the changes in law.

22 For instance, there are a few places in our
23 existing regulations where it refers to meeting 50
24 percent only in the year 2000. So we need to say on and
25 after the year 2000. So we will be taking a look at

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 those and working with the Legal Office to come up with
2 those conforming reg changes.

3 2202 requires the Board to establish at minimum
4 a working group regarding disposal reporting, and based
5 on the work of the working group and recommendations
6 prepared by the working group, submit that report to the
7 legislature with changes and improvements. The report is
8 due on January 1st of 2002.

9 Staff believes that since this is a minimum
10 requirement, the Board could either choose to limit its
11 report to the legislature to the Disposal Reporting
12 System or the Board may want to broaden the report to
13 include disposal reporting as one part of the diversion
14 rate measurement system.

15 There are a number of diversion rate measurement
16 issues and they are not all related to the Disposal
17 Reporting System. The diversion rate measurement system
18 was developed in the 1990s. It used the best information
19 available at the time, but we have significant experience
20 since then and the Board has identified many issues.

21 The Board held a hearing on the Disposal
22 Reporting System in November of 1999, but some other
23 issues that the Board might want to take up in this
24 working group and report to the legislature would be the
25 adjustment method formula and the use of the adjustment

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 method over time.

2 There are a number of people that have developed
3 solutions that the Board might want to have used by
4 others. The law specifically requires that a working
5 group be convened, and the Board has convened several
6 working groups in the past. So I would like to tell you
7 a little bit about the way things have happened in the

8 past so we can get direction from you as to whether you
9 want to proceed this way.

10 The working groups have been limited to a small
11 number of people that represented a wide spectrum of
12 interests. Jurisdictions and consultants to
13 jurisdictions, one advisor was assigned to each of our
14 working groups, the waste management industry had
15 representatives, environmental groups were represented,
16 and universities also were members of the working groups.

17 Because the number is limited and the topic was
18 of great interest to other people, anyone who was
19 interested in being an interested party could serve as a
20 reviewer. What happens in that case is they receive all
21 the information at the same time as the working group
22 members get the information and they funnel their
23 comments to the working group through members or staff.
24 That allows a larger number of people to participate more
25 actively but leaves the working group as a small enough

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 group size so that we can accomplish a lot in a short
2 time.

3 The working groups in the past have developed
4 recommendations for the Board, and the staff has brought
5 forward board agenda items. Those items contain the
6 working group recommendations, staff analysis of those
7 recommendations, and any additional staff
8 recommendations.

9 The staff recommends that the Board consider
10 reviewing diversion rate measurement system rather than
11 just focusing on the Disposal Reporting System. We could
12 have a Disposal Reporting System working group as well as
13 an adjustment method working group and a third working
14 group to focus on some alternatives to the existing
15 system. In this group we could look at some of the kinds
16 of things that Board Members have asked about such as the
17 pounds per person per day kind of rates and look at other
18 alternatives to what we currently are required to
19 measure.

20 Staff would say that if we have several working
21 groups, we would have need to have a group to synthesize
22 the ideas to come up with a workable system. As it
23 stands now, we have many parts to the system that all
24 have to work together. So if we have working groups that
25 are focused on more specifics of individual pieces of the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 measurement system, we would need to have a synthesis
2 group to come up with a workable system and then we would
3 come forward to the Board with an agenda item containing
4 recommendations and staff analysis.

5 The proposed time line would be to start off the
6 process with public idea gathering workshops. Anyone
7 would be able to come to such a workshop if the Board
8 chooses to have them. Then establish working groups to
9 identify issues and develop solutions in the time frame
10 of March to early May, have all of that work completed in
11 May for the synthesis group to try to pull together a
12 workable system, and that would be made up of some
13 members of each of the working groups, and issue a draft
14 report for public review in the July time frame, have
15 public workshops on that draft in August, a revised
16 working group report in September, with Board
17 consideration of an agenda item in October. That would
18 give us sufficient time to get the report to Cal/EPA and
19 to the legislature by the January 1 time frame.

20 Throughout this in the past we have done
21 periodic updates on the various working groups at the
22 board meetings, and we would propose to do that
23 throughout the process.

24 Are there any questions?

25 BOARD MEMBER MEDINA: Mr. Eaton.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: Could you repeat what you
2 plan to bring back to us next month? Did you say you
3 were going to bring back some proposed --

4 MS. VAN KEKERIX: Right.

5 BOARD MEMBER EATON: And what are those?

6 MS. MORGAN: Next month we plan on bringing back
7 the annual report procedures and the compliance order
8 procedures as it relates to the schedule in conferring
9 with jurisdictions regarding notice of intent to issue
10 compliance orders. And we also plan to bring -- not in
11 January but at a later date -- the 1999/2000 biennial
12 review procedures.

13 BOARD MEMBER EATON: By the compliance order
14 you're just meaning the provisions of the Bill that
15 require us to provide the 90-day notice.

16 MS. VAN KEKERIX: The notice, yes.

17 BOARD MEMBER EATON: Do you also have a
18 recommended procedure for meet and confer with this Bill?

19 MS. VAN KEKERIX: Yes. Yes.

20 BOARD MEMBER EATON: What's your thinking on
21 that now?

22 MS. MORGAN: Right now.

23 BOARD MEMBER EATON: Right now. You guys act
24 that quick, I figure you got it all wired.

25 MS. MORGAN: Well, we have met with

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 constituents. We're basing it basically on the
2 procedures that we have employed in the past where we do
3 meet with the jurisdictions well in advance of the
4 issuance of a compliance order, trying to work through
5 that order, try and set up as many opportunities for the
6 jurisdictions to make any necessary changes that they
7 need to make.

8 So it's -- I think the procedures are primarily
9 being clear with notification to the jurisdictions of
10 what the issues are in advance, in writing as well as in
11 meeting, following up those meetings with what the next
12 steps are. So really clearly laying out the whole
13 process for jurisdictions right up front, being clear on
14 what the issues are and how they can resolve the issues
15 and in what time frame they need to resolve those issues.

16 That's off the top of my head. I don't know if
17 that's what you were after.

18 BOARD MEMBER EATON: That would be with staff
19 and not Board Members or any part of the executive staff;
20 is that correct? That's your thinking right now.

21 MS. MORGAN: Right. Right. We welcome your
22 feedback. We have spoken to constituents and received
23 feedback, and that appears to be what they were looking
24 for in this process.

25 BOARD MEMBER MEDINA: Thank you.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Is there any other comments? Is there any
2 action required on this?

3 We have one speaker, Ms. Yvonne Hunter.

4 MS. HUNTER: Thank you. Yvonne Hunter with the
5 League of Cities. We were the sponsor along with CSAQ of
6 the Bill.

7 We've been in touch with Board staff and some
8 advisors about not only the processes that were outlined
9 today but as Cara said, the actual draft written
10 procedures. It certainly reflects the intent of the
11 Bill, what we were looking for.

12 I think frankly adding back on the working group
13 looking at the adjustment methodology is probably a good
14 idea because a couple things we've heard from
15 jurisdictions is while it's a very useful tool, in some
16 instances it does not necessarily reflect the trash
17 generated for the kind of companies that move in. And in
18 addition, as people begin to move towards buying things
19 on the internet, if you use sales -- and I think I talked
20 to Pat about this a while ago -- if you use sales tax as
21 an indicator of generation of trash, that could mask as
22 folks aren't paying sales tax in some areas. That could
23 mask the actual generation. So we need to take a look at
24 that.

25 But staff has been very forthcoming. We're

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 pleased with the direction it's going and we thank the
2 Board for moving on this so quickly.

3 BOARD MEMBER MEDINA: Thank you. If there's no
4 action required on this, thank you, staff, for your
5 presentation.

6 With that, we'll move on to Item Number 26.

7 MR. BLOCK: Good afternoon, Board Members.
8 Elliott Block with the Legal Office, here to make a quick
9 presentation on Item Number 26 which would be
10 consideration of adoption of the 2001 rulemaking calendar
11 for the Board.

12 Very briefly, state law requires that once a
13 year each state agency submit a list of proposed
14 rulemaking packages that they plan on proceeding with
15 over the next year, and the package that's before you as
16 attachment one of Item 26 was put together with input
17 from the various divisions of the Board.

18 A couple of important things to remember about
19 that calendar, although it does contain dates, projected
20 dates for noticing and for adoption and the like, the
21 Board is not bound by those particular dates. The
22 operative part of the statute just simply requires that
23 a -- that particular packages be listed. However, in
24 addition to that, the law does provide that an agency may
25 add to that list any packages that come up during the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 year that they want to add that were not reasonably
2 anticipated, the words from the statute. In past years
3 we have in fact done that. We've added a few. And
4 emergency regulations are also exempt from the
5 requirement to be on that list.

6 Very briefly, the calendar that's in the package
7 has 22 -- excuse me. Last year's calendar had 22
8 rulemakings. 15 have been carried over from last year
9 with some revised dates. Six were adopted, one was
10 dropped, and there have been six new ones added to this
11 calendar. So there are 21 on the 2001 calendar.

12 At the briefing there was a question for some
13 more detail about the status of the packages that were on
14 the 2000 calendar, and on either late Thursday or early
15 Friday we distributed copies that were a more detailed
16 list of those. There were some copies on the back table.
17 I think there's still one or two back there.

18 With that, that's basically the presentation and
19 we request that you adopt the calendar so that we can
20 forward it on to OAL.

21 BOARD MEMBER MEDINA: Thank you.

22 Mr. Jones.

23 BOARD MEMBER JONES: Thanks, Mr. Medina. Just a
24 couple of issues.

25 On the C&D regs, we have done an awful lot of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the work or you have done an awful lot of the work prior
2 to SB 515 that -- we were ready to adopt a package that
3 got convoluted because of those three C&D sites in San
4 Gabriel watershed. We're looking at June on this
5 calendar for the notice. Is -- am I misunderstanding?
6 Am I wrong to think that an awful lot of that work has
7 been done? We were ready to --

8 BOARD MEMBER EATON: I think phase one dealt
9 with one kind and phase two dealt with disposal. My
10 understanding is phase one is complete and ready to go.
11 So the issue is why are we waiting until June.

12 MR. BLOCK: I'll defer to the P&E Division to
13 answer that question.

14 MR. DE BIE: I think it comes down basically to
15 availability of resources to work on these reg packages
16 and still maintain the month-to-month workload that P&E
17 is required to cover.

18 Another aspect of that is the relationship to
19 the reg package and the study that we're involved in
20 relative to the mine disposal aspects, working with mines
21 and geology in trying to get a better handle on the
22 extent of the problem relative to inerts and C&D and the
23 mines.

24 BOARD MEMBER EATON: But that's phase two,
25 that's not phase one. Phase one I understand have

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 already been -- all the stakeholders have met. They
2 signed off. They're ready to go. That's my
3 understanding.

4 MR. DE BIE: Well --

5 BOARD MEMBER EATON: They should be distributed
6 and sent out. And phase two, which deals with mines,
7 deals with the disposal side of it, those are the ones
8 that are going to require the work.

9 MR. DE BIE: Much of the work on phase one,
10 which is the transfer processing aspect, had been
11 completed when we attempted to do this a year or so ago.
12 And so really what we need to do is get staff to a place
13 where they can start pulling those together, and I think
14 we would see it necessary to do additional informal work
15 with the stakeholders to be assured that they're still
16 fine with what had been proposed.

17 I'm getting a number of phone calls every week
18 from C&D processors, and it seems like the numbers and
19 types of operators out there are increasing and there's
20 different types of individuals involved. So I think
21 staff would need to do an additional informal outreach to
22 the stakeholders to make sure that these new individuals
23 that are coming into this area of the wastestream and
24 handling the wastestream are connected to what the
25 proposal is.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: And that could happen
2 before June, before the notice.

3 MR. DE BIE: That -- traditionally there is an
4 extensive informal process before we start the formal
5 process.

6 BOARD MEMBER JONES: Then one other question.
7 Is it time to look at the ADC application standards?
8 We've had an awful lot of discussion and maybe it's time
9 to just make sure that we're not abusing. I think it's
10 pretty interesting that some of the greenhouse gases
11 there's a lot of work being done and that greenhouse gas
12 is starting to dissipate when they put compost on top of
13 landfills, sort of acts like a biofilter after it's been
14 processed, but I don't think two feet of ADC as
15 intermediate cover is the same thing.

16 MR. WALKER: Scott Walker, P&E.

17 On the issue of ADC, that is listed as one of
18 the policy items that the Board will be reevaluating and
19 that we anticipate that will be within the next several
20 months that we would bring that to the Board and
21 consider -- potentially one of the options will be to
22 consider changes in the regulations.

23 MR. BLOCK: We do have an item on the calendar.
24 There is an item, that general placeholder for revisions
25 to state minimum standards for various types of solid

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 waste operations and facilities, and we could either use
2 that, should the Board later in the year decide we want
3 to revise those, or it's the Board's option we could
4 certainly add another item to the list as a placeholder.
5 Either way.

6 I believe -- since at this point it's not clear
7 if we want to do those or not, I don't think there's a
8 reason we couldn't add it later in the year. It's your
9 choice.

10 BOARD MEMBER MEDINA: Board Members, what's your
11 preference on this item?

12 BOARD MEMBER JONES: Mr. Chairman.

13 BOARD MEMBER MEDINA: Mr. Jones and Mr. Paparian.

14 BOARD MEMBER JONES: I was just going to make a
15 motion --

16 BOARD MEMBER PAPARIAN: Go ahead and move it.

17 BOARD MEMBER JONES: -- But that's all right.

18 BOARD MEMBER PAPARIAN: I'll go ahead and move
19 Resolution 2000-472, approval of the 2001 annual
20 rulemaking calendar.

21 BOARD MEMBER JONES: I'll second.

22 BOARD MEMBER MEDINA: Thank you. We'll take the
23 roll on that please.

24 BOARD SECRETARY: Eaton.

25 BOARD MEMBER EATON: Aye.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD SECRETARY: Jones.

2 BOARD MEMBER JONES: Aye.

3 BOARD SECRETARY: Medina.

4 BOARD MEMBER MEDINA: Aye.

5 BOARD SECRETARY: Paparian.

6 BOARD MEMBER PAPARIAN: Aye.

7 BOARD SECRETARY: Roberti.

8 BOARD MEMBER ROBERTI: Aye.

9 BOARD SECRETARY: Moulton-Patterson.

10 BOARD MEMBER MEDINA: Resolution 2000-472 has

11 been passed.

12 Next item is Item Number 27, which will be

13 continued.

14 BOARD MEMBER ROBERTI: Very good. Smart move.

15 (Laughter)

16 BOARD MEMBER MEDINA: We do have one speaker

17 that was now passed over for agenda Item Number 18, as

18 well as any members of the public that wish to make

19 comments at this time. Mr. Cory Smith still here?

20 With that, we'll move on to any members of the

21 public that wish to make any remarks at this time.

22 BOARD MEMBER EATON: I'm I guess a member of the

23 public. I just would like to make a comment. I wish

24 everyone happy holidays, merry Christmas and happy

25 Hanukkah.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER MEDINA: Thank you. The same here.

2 Meeting adjourned.

3 * * *

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 STATE OF CALIFORNIA

2

3

4 I, Terri L. Emery, CSR 11598, a Certified
5 Shorthand Reporter in and for the State of California,
6 do hereby certify:

7 That the foregoing proceedings were taken
8 down by me in shorthand at the time and place named
9 therein and was thereafter transcribed under my
10 supervision; that this transcript contains a full, true
11 and correct record of the proceedings which took place
12 at the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest
16 in the event of the action.

17

18

19 EXECUTED this 13th day of January, 2001.

20

21

22

23

24

Terri L. Emery

25

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

Please note: These transcripts are not individually reviewed and approved for accuracy.